

Extra Ordinary Part - V / 2010

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Extra No.1	27-01-2010	Legislative & Parliamentary Affairs Department
Extra No.2	19-02-2010	Legislative & Parliamentary Affairs Department
Extra No.3	20-02-2010	Legislative & Parliamentary Affairs Department
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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT TECHNOLOGICAL UNIVERSITY (AMENDMENT) BILL, 2010.

GUJARAT BILL NO. 1 OF 2010.

A BILL

further to amend the Gujarat Technological University Act, 2007.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Technological University (Amendment) Act, 2010.

Short title.

Guj. 20 of 2007.

2. In the Gujarat Technological University Act, 2007, in section 11, in sub-section (4), for clause (iii), the following shall be substituted, namely:-

Amendment
of section 11
of Guj. 20 of
2007.

“(iii) not have attained the age of seventy years on the date of nomination or re-nomination.”.

STATEMENT OF OBJECTS AND REASONS

As per the existing provisions of the Gujarat Technological University Act, 2007, it is provided in clause (iii) of sub-section (4) of section 11 that the person to be appointed as the Vice-Chancellor shall not have attained the age of 65 years on the date of nomination or re-nomination. Recently, the Government of India, Ministry of Human Resource Development, Department of Higher Education vide its letter dated the 31st December, 2008 has suggested to enhance the age of superannuation of the Vice-Chancellor from 65 years to 70 years. In pursuance of this and with a view to widening the choice and scope of selection of best person for the Vice-Chancellor of such an outstanding University like Technological University, it is considered necessary to enhance the age limit prescribed in the aforesaid section of the said Act from 65 years to 70 years. This will enable the Chancellor to appoint an eminent and outstanding person as the Vice-Chancellor of the said University in consultation with the State Government.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

Gandhinagar,
Dated the 25th January, 2010.

RAMANLAL VORA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 27th January, 2010.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary
Affairs Department.



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PART V

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(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE CENTRE FOR ENVIRONMENTAL PLANNING AND TECHNOLOGY UNIVERSITY (AMENDMENT) BILL, 2010.

GUJARAT BILL NO. 2 OF 2010.

A BILL

*further to amend the Centre for Environmental Planning and
Technology University Act, 2005.*

It is hereby enacted in the Sixty-first Year of the Republic of India as follows:-

1. This Act may be called the Centre for Environmental Planning and Technology University (Amendment) Act, 2010. Short title.

Guj. 24 of 2005. 2. In the Centre for Environmental Planning and Technology University Act, 2005 (hereinafter referred to as "the principal Act"), in the long title, for the words "Centre for Environmental Planning and Technology University, Ahmedabad", the words "CEPT University, Ahmedabad" shall be substituted. Amendment of long title of
Guj.24 of 2005.

Amendment of section 1 of Guj. 24 of 2005. 3. In the principal Act, in section 1, in sub-section (1), for the words "Centre for Environmental Planning and Technology University", the words "CEPT University" shall be substituted.

Amendment of section 2 of Guj. 24 of 2005. 4. In the principal Act, in section 2, in clause (q), for the words "Centre for Environmental Planning and Technology University", the words "CEPT University" shall be substituted.

Amendment of section 3 of Guj. 24 of 2005. 5. In the principal Act, in section 3,-
(1) in sub-section (1),-

(a) in clause (a), for the words "the Centre for Environmental Planning and Technology University, Ahmedabad", the words "the CEPT University, Ahmedabad" shall be substituted;

(b) in clause (b), for the words and brackets "Centre for Environmental Planning and Technology University (hereinafter in this Act referred to as "the CEPT University")", the words "CEPT University" shall be substituted;

(2) for sub-section (3) and the proviso thereunder, the following sub-section shall be substituted, namely :-

"(3) The University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may vest in or be acquired by it for the purposes of the University, and to contract and do all other things necessary for the purposes of this Act."

Amendment of section 4 of Guj. 24 of 2005. 6. In the principal Act, in section 4, for clause (vi), the following clause shall be substituted, namely:-

"(vi) to raise financial resources by contributions, donations, grants or loans from Government agencies, industries, other organizations and private individuals, for the effective functioning of the educational, research, publications and related functions of the University;"

Amendment of section 14 of Guj. 24 of 2005. 7. In the principal Act, in section 14, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) The Governing Body shall consist of those members who are from time to time trustees of the CEPT Trust and the President, the Director and the Deans of the University."

8. In the principal Act, in section 16, in sub-section (1), in clause (vii), for the words "one Dean of the University by rotation", the words "the Deans of the University" shall be substituted. **Amendment of section 16 of Guj. 24 of 2005.**
9. In the principal Act, in section 20, in sub-section (1), for clauses (iv) and (v), the following clauses shall be substituted, namely:- **Amendment of section 20 of Guj. 24 of 2005.**
- “(iv) one expert academician from each faculty of the University, to be nominated by the Board;
- (v) one expert professional from each faculty, to be nominated by the Executive Council.”.
10. In the principal Act, in section 22, in sub-section (2), clause (vii) shall be deleted. **Amendment of section 22 of Guj. 24 of 2005.**
11. In the principal Act, in section 24, sub-section (7) shall be deleted. **Amendment of section 24 of Guj. 24 of 2005.**
12. In the principal Act, in section 28, in sub-section (2), for clauses (i) to (iv), the following clauses shall be substituted, namely:- **Amendment of section 28 of Guj. 24 of 2005.**
- “(i) fees and charges;
- (ii) creation of posts and appointments;
- (iii) revision of any pay-scales;
- (iv) those employees for whom the salary is paid out of Government grant.”.
13. In the principal Act, in section 36, for sub-sections (3) and (4), the following sub-section shall be substituted, namely:- **Amendment of section 36 of Guj. 24 of 2005.**
- “(3) All regulations made under this section shall be intimated to the State Government.”.

STATEMENT OF OBJECTS AND REASONS

The Centre for Environmental Planning and Technology University is popularly known as "the CEPT University" in the academia the world over as well as State Government and Central Government Departments. It is, therefore, thought proper to amend the nomenclature of "the Centre for Environmental Planning and Technology University" to the "CEPT University, Ahmedabad" so that it may get its identity by its popular name.

Accordingly, *clauses 2, 3, 4 and 5* provide for the amendments in the nomenclature of the Centre for Environmental Planning and Technology University.

The CEPT Trust is the sponsoring body of the CEPT University. It is the responsibility of the CEPT Trust for the development of the University. Under the existing provision of sub-section (3) of section 3 of the Act, the CEPT University is required to obtain previous permission of the State Government for raising any loans on the securities of its assets. The requirement of obtaining previous permission of the State Government is not necessary as it would not entail any liability for the State Government. *Sub-clause (2) of clause 5* of the Bill proposes to suitably amend sub-section (3) of section 3 so as to remove for the requirement of obtaining previous permission of the State Government in this regard.

Clause 6 of the Bill proposes to amend clause (vi) of sub-section (1) of section 4 of the Act so as to include 'other organizations' so that the University may obtain loan to raise financial resources for the carrying out the objects of the University.

Clause 7 of the Bill proposes to amend sub-section (1) of section 14 of the Act so as to include the President, Directors and the Deans in the Governing Body of the University.

Clause 8 of the Bill amends clause (vii) of sub-section (1) of section 16 of the Act to include all the Deans as the members of the Board of Management so as to make them actively involved in the meaningful discussion in taking policy decisions relating to administration and working of the University.

The provision of clause (vii) of sub-section (2) of section 22 of the Act provides for obtaining permission of the State Government for obtaining bank borrowings. Since there is no liability of the State Government, the said provision proposed to be deleted. *Clause 10* of the Bill provides for the same.

The expenses relating to the grants received by the University under the grant-in-aid policy of the State Government are already under the regular audit by the audit officers of the Government and accounts are regularly audited by the officers of the Accountant General. The University which is sponsored by the CEPT Trust has made adequate provisions for internal audit and statutory audits by the Chartered Accountants. Hence, the provisions relating to conduct of test or full audit of accounts by the auditors appointed by the State Government does not seem to be necessary. *Clause 11* of the Bill proposes to delete sub-section (7) of section 24 so as to remove the restriction for the aforesaid purpose.

Section 28 of the Act provides for the power of the State Government to issue directions to the University with respect to fees and charges, raising of funds and borrowing money, creation of posts and appointments, revision of any pay-scales and in case of grant-in-aid programmes for which the State Government provides the funds. *Clause 12* of the Bill proposes to amend clauses of sub-section (2) of section 28 of the Act so as to provide that they shall apply in respect of those employees for whom salary is paid out of the grant of the State Government.

Clause 13 of the Bill proposes to amend sub-sections (3) and (4) of section 36 of the Act to the effect that regulations made by the University shall be intimated to the State Government. As per the existing provisions, it is required to be laid on the table of the House.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

Gandhinagar,
Dated the 19th February, 2010.

RAMANLAL VORA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 19th February, 2010.

H. D. VYAS,
Secretary to Government of Gujarat,
Legislative and Parliamentary Affairs
Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT EDUCATIONAL LAWS (AMENDMENT) BILL, 2010.

GUJARAT BILL NO. 3 OF 2010.

A BILL

further to amend the Bombay Primary Education Act, 1947 and the Gujarat Secondary and Higher Secondary Education Act, 1972 and to repeal the Gujarat Compulsory Primary Education Act, 1961 so as to facilitate to implement the provisions of the Right of Children to Free and Compulsory Education Act, 2009.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Educational Laws (Amendment) Act, 2010. Short title and commencement.
- (2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of 2.
section 2 of
Bom. LXI of
1947.

In the Bombay Primary Education Act, 1947 (hereinafter Bom. LXI of 1947. referred to as "the principal Act"), in section 2,--

- (i) after clause (7), the following clause shall be inserted, namely:-

"(7A) "Committee" means the State Staff Selection Committee constituted under section 23;";

- (ii) after clause (10A), the following clause shall be inserted, namely:-

"(10B) "Lower Primary Education" means education from first standard to fifth standard;";

- (iii) for clause (15), the following clause shall be substituted, namely :-

"(15) "Primary Education" means elementary education from first class to eighth class as defined in clause (f) of section 2 of the Right of Children to Free and Compulsory Education Act, 2009;"; 35 of 2009.

- (iv) after clause (20), the following clause shall be inserted, namely:-

"(20A) "Upper Primary Education" means education from sixth standard to eighth standard;";

Substitution of 3. In the principal Act, for section 23, the following section shall be substituted, namely:-
section 23 of
Bom. LXI of
1947.

Constitution of
State Staff
Selection
Committee for
primary
education.

"23. (1) There shall be a State Level Staff Selection Committee constituted by the State Government for all District Education Committees and authorized municipalities, consisting of such number of members as may be determined by the State Government.

(2) The Director of Primary Education shall be the Chairman and the Deputy Director of Primary Education shall be the Secretary of the Committee.

(3) The Committee shall select candidates for appointments as Assistant Education Inspectors, Supervisors, *Vidhya Sahayaks* and Primary Teachers. The selection of candidates shall be made in accordance with the instructions issued by the State Government.

(4) The Committee shall also select the staff referred to in sub-section (3) for all District Education Committees and authorized municipalities and recommend the names of selected candidates for appointment as per their requisition.

(5) The District Education Committee or authorized municipality or, as the case may be, the Administrative Officer shall make appointments of the candidates so selected in accordance with the directions given by the Committee.”

Guj. 18 of 1973. 4. In the Gujarat Secondary and Higher Secondary Education Act, 1972 (hereinafter referred to as “the Secondary and Higher Secondary Education Act”), in section 2, - **Amendment of section 2 of Guj. 18 of 1973.**

(i) in clause (u), for the words “eighth standard”, the words “ninth standard” shall be substituted;

(ii) in clause (aa), the words and figures “the Gujarat Compulsory Primary Education Act, 1961 and” shall be deleted. **Guj. XLI of 1961.**

5. In the Secondary and Higher Secondary Education Act, in section 17, in clause (17), for the words “standards eight”, the words “standards nine” shall be substituted. **Amendment of section 17 of Guj. 18 of 1973.**

6. In the Secondary and Higher Secondary Education Act, for section 35, the following section shall be substituted, namely:- **Substitution of section 35 of Guj. 18 of 1973.**

Selection of teachers and headmasters, etc. “35. The procedure for selection of teachers and headmasters of registered private secondary and higher secondary schools shall be such as may be notified by the State Government by rules from time to time.”

Bom. LXI of 1947. 7. Notwithstanding anything contained in the Bombay Primary **Transitory provisions.**
Guj. 18 of 1973. Education Act, 1947 and the Gujarat Secondary and Higher Secondary
35 of 2009. Education Act, 1972 as amended by this Act, for carrying out the provisions of the Right of Children to Free and Compulsory Education Act, 2009, the State Government may allow to continue to impart education in eighth standard as a part of primary education in any secondary school till the period stipulated in section 6 of the Right of
35 of 2009. Children to Free and Compulsory Education Act, 2009.

Guj. XLI of 1961. 8. The Gujarat Compulsory Primary Education Act, 1961 is hereby **Repeal of Guj. XLI of 1961.**
repealed.

STATEMENT OF OBJECTS AND REASONS

It is provided in section 3 of the Right of Children to Free and Compulsory Education Act, 2009 that every child of the age of 6 to 14 years shall have a right to free and compulsory education till the completion of eighth class. The said Act provides for detail scheme for free and compulsory education to all children of the age of 6 to 14 years. In the State of Gujarat, there exists two State Acts, namely, the Bombay Primary Education Act, 1947 and the Gujarat Secondary and Higher Secondary Education Act, 1972 which deal with the subject being imparted in the primary education upto the standard seventh and in secondary education from standard eighth. On being enacted by the Parliament the said Central Act, these two State Acts are now required to bring in conformity with the provisions of the said Central Act and also to facilitate to impart free and compulsory education to the children between the age of 6 to 14 years.

For the aforesaid purpose, now the standard eighth is required to be covered under the Primary Education Act of the State and at the same time, secondary education would require to begin with the standard ninth. For giving effect to this object, it is considered necessary to amend the respective State Acts as suggested in the Bill. In the year 1961, the Gujarat Compulsory Primary Education Act, 1961 was enacted but in view of the Central Act of 2009, it seems that it has become redundant because Central Act would prevail in the matter. Therefore, it is considered necessary to repeal the said Act.

The definitions of 'lower primary education' and 'upper primary education' are provided in the Bill so as to empower the State Government to recruit teachers for upper primary class with higher educational qualifications and training as per the norms laid down by the Government of India from time to time.

It is also necessary to provide for some transitory period to bring the standard eighth gradually to shift from secondary schools to primary schools. This will facilitate the respective schools to impart primary education in standard eighth in their respective secondary schools also till the period stipulated in section 6 of the Central Act.

It is considered necessary to constitute the State Level Staff Selection Committee for primary education for recruitment of primary teachers through State level agency so as to avoid delay in recruitment harassment to candidates in applying to various districts and smoothen the process of recruitment and it is also proposed to notify by the State Government by rules, the procedure for selection of teachers and head masters of registered private secondary and higher secondary schools.

The Bill seeks to amend the said State Acts to achieve the aforesaid objects.

RAMANLAL VORA,

FINANCIAL MEMORANDUM

It has become necessary to shift Standard VIII from secondary education to primary education in consonance with the provisions of the Right of Children to Free and Compulsory Education Act, 2009. After the commencement of the said Central Act, Standard VIII would require to be shifted from secondary education to primary education in about 22,500 schools of the State over a period of three years for which an estimated amount of Rs. 825 crores on construction of one additional class room in each school would be involved.

Further Rs.75 crores per year would be needed considering the recruitment of 45,000 *Vidya Sahayaks* having B.Ed qualification and Rs. 450 crores per year, when they get regular scale. The above estimated expenditure would be incurred in implementing the provisions of the aforementioned Central Act if it is brought into force by the Central Government. The amendments suggested in the Bill are in view of the said Central Act and to facilitate to implement the provisions of the said Central Act.

RAMANLAL VORA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects, namely: -

Clause 1.—Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the provisions of the Act shall come into force.

Clause 6.—Section 35 proposed to be substituted by this clause empowers the State Government to notify by rules the procedure for selection of teachers and headmasters of registered private secondary and higher secondary schools.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Gandhinagar,
Dated the 20th February, 2010.

RAMANLAL VORA,

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 20th February, 2010.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.



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PART V

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The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE INDIAN INSTITUTE OF TEACHER EDUCATION, GUJARAT BILL, 2010.

GUJARAT BILL NO. 4 OF 2010.

A BILL

to establish the Institute of Teacher Education to promote teachers' development of integral personality, wide vision of nationalism and internationalism, and to fulfill their role as exemplars, as friends, philosophers and guides, as scientists, psychologists, artists and technologists and above all as ideal communicators who can spread uplifting influence by the processes of awakening, inspiration and contagious enthusiasm, also to promote new trends of syntheses of the East and the West and agents of change from old to the new and to confer the status of a University thereon and for matters connected therewith or incidental thereto.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows :-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Indian Institute of Teacher Education, Gujarat Act, 2010.
- (2) It extends to the whole of the State of Gujarat.
- (3) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title, extent
and
commencement.

V.Ex.-4-1

4-1

Definitions. 2. In this Act, unless the context otherwise requires,

- (a) 'Academic Council' means the Academic Council of the University established under section 22;
- (b) 'Collaboration' means collaborative academic activity of the University with other Universities, other academic institutions (local, regional, national or international) and other research, educational, teaching, training institutions and organizations;
- (c) 'College' means college of learning and training maintained by or recognized, affiliated or approved as such by the University;
- (d) 'Executive Council' means the Executive Council of the University constituted under section 20;
- (e) 'Fee' means collection made by the University from the students for different purposes under different heads including tuition fee and development charges and the collection which is non-refundable;
- (f) 'Finance Committee' means the Finance Committee of the University constituted under section 25;
- (g) 'General Council' means the General Council of the University constituted under section 18;
- (h) 'Institute' means the Indian Institute of Teacher Education, Gujarat, a University established and incorporated under section 3.
- (i) 'Institution' means an institution which is a part of the University or it is associated with and admitted to the privileges of the University;
- (j) 'prescribed' means prescribed by rules, regulations, Statutes or, as the case may be, Ordinances made by or under this Act;
- (k) 'Regulations' means the Regulations made under section 34;
- (l) 'Research Council' means the Research Council of the University constituted under section 28;
- (m) 'Standing Committee' means the Standing Committee of the University constituted under section 37.

CHAPTER II

ESTABLISHMENT AND INCORPORATION OF UNIVERSITY

3. (1) There shall be established and incorporated a University by the name of 'the Indian Institute of Teacher Education, Gujarat'. Establishment and incorporation of University.
- (2) The Chancellor, the Vice-Chancellor, the members of the General Council, the Executive Council and the Academic Council, Registrar and all other persons who may hereafter become such officers so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of 'the Indian Institute of Teacher Education, Gujarat'.
- (3) The University shall be a body corporate by the name aforesaid, having perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold property, to contract and shall, by the said name, sue and be sued.
- (4) In all suits and other legal proceedings by or against the University, the pleading shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to, and served on, the Registrar.
4. The headquarters of the University shall be at Gandhinagar or at such other place, as the State Government may, by notification in the *Official Gazette*, specify. Headquarters of University.
5. The objects of the University shall be as follows :- Objects of University.
- (1) to provide new structures to programmes of teachers' education and to provide to the country and even to the world at large new types of teachers who can find their home anywhere and everywhere and who have abilities, -- linguistic and professional, -- so as to serve the highest interests of the contemporary children who have new psychology and new demands to find and create new future.
- (2) to develop in particular, integrated courses of teachers' education that can be pursued by students, combining subjects of humanities, sciences, arts, crafts and technology along with those related to philosophy and psychology of education and pedagogy.
- (3) to study and undertake research in the works of pioneering educationists of Gujarat, India as also of other parts of the world, who have underlined the need for holistic education so as to derive guidance from the same;

- (4) to establish and conduct institutions, centres and facilities for research in philosophy of education, psychology of education and sociology of education in the light of the lessons of Indian pedagogy, as also of the progressive researches in education that underline child-centred holistic education and methodologies appropriate to the promotion of freedom and discipline and skill-oriented and value-oriented education;
- (5) to evolve and implement a new programme of teacher education that will enhance -
 - (a) the synthesis of scientific realism and creative imagination;
 - (b) multilingual abilities;
 - (c) proficiency in pedagogy of high level achievements in various subjects and efflorescence of cognitive, co-native and effective faculties;
 - (d) mastery over new methodologies of education that blend advanced teaching instruments and subtle psychological sensibilities;
 - (e) proficiency in curriculum development in respect of various subjects of studies as also in respect of methodologies of testing students' performance, integral development of personality, and character that is committed to pursuit of nationalism, and highest welfare of humanity in terms of synthesis of Liberty, Equality and Fraternity;
 - (f) multisided physical education, healthcare and promotion of the international system of sports and games as also the spirit of youthfulness, adventure, and readiness to participate in services related to defence of peace and international understanding;
 - (g) nurturing exemplary character and competent abilities of communication that can awaken, inspire and enthuse the students;
 - (h) understanding of pupils in respect of their gifts and challenges that they confront in the process of their progress and harmonious and integral growth;
 - (i) development of capacity to meet the challenges of explosion of knowledge and of constant changes in the roles of teachers; and

(i) promotion of general knowledge and wide vision of the development of future.

- (6) to promote the indigenous tradition of teacher-student relationship (*Guru-Shishya parampara*) in various fields of humanities, arts, crafts, sciences, technologies and yoga (psychological and physical education);
- (7) to publish and disseminate results of advanced research relating to teachers' education for purposes of advancement of capacities to teach and learn among professional teachers as also among parents, social educators and social workers;
- (8) to promote national and international cooperation in teachers' education as also in the development of teaching-learning material through online programmes, documentaries, musical and dramatic programmes and films;
- (9) to undertake, conduct and promote any programme that will enhance the highest aims of pedagogy and synthesis of knowledge-systems and internationalism.
- (10) to promote the fundamental duties laid down in article 51A of the Constitution of India;
- (11) to foster in the University highest purposes of education of the body, life and mind as also of the human spirit in its integrity;
- (12) to recover the lights from lessons of ancient wisdom in the context of modern development;
- (13) to establish facilities, programmes and activities of research, education, training and extension services that promote the highest aims of teacher education;
- (14) to introduce and nurture innovations in the education system so as to reflect India's spiritual knowledge, robust intellectuality and inexhaustible creativity;
- (15) to study and derive lessons from the ongoing experiments of education and to foster all the valuable innovative work and promote the same for larger expansion and utilization.

6. The powers and functions of the University shall be as follows :-

- (1) to administer and manage the University and ensure efficient working of the centres, colleges and institutions related to research, education, training and extension services for the furtherance of the objects of the University;

Powers and
functions of
University.

- (2) to regulate conduct and enforce discipline among the employees of the University and to take such measures as may be deemed necessary;
- (3) to prepare guidelines manuals and methodology for assessing performance of students, teachers and others related to the University, and to determine paradigms for quality assurance, processes and mechanisms in harmony with those developed by the National Commission for Teacher Education;
- (4) to establish, conduct and promote centres, such as –
 - (i) Centre of Research
 - (ii) Centre of Education
 - (iii) Centre of Training
 - (iv) Centre of Extension Services, and
 - (v) such other centres and institutions as may be necessary and to provide for facilities, including those relating to pedagogy for scientific discoveries and inventions, pedagogy for fine arts, pedagogy for crafts, promotion of NSS and NCC, promotion of scouts and guides, multi-linguistic capacities (Gujarati, Sanskrit, French, English, Hindi, Tamil, Arabic, Spanish, etc.) development of curricular, co-curricular and extracurricular hobbies, puppetry, exhibitions, unending education, museum studies, library and film studios, etc.
- (5) to confer and award degrees diplomas, and certificates and provide for lectures, instruction and training for students as also for continuing education courses;
- (6) to confer honorary degrees or other academic distinctions;
- (7) to develop academic relationship with primary and secondary schools which satisfy the needs and standards of the University and to empower them to receive the benefits of the results of the work of the University, and gradually to the entire education system of the State;
- (8) to create in the University campus as also elsewhere in the State, centres of education, research, training and extension services which will embody and crystallize the results of the work conducted by the University or elsewhere, and to spread benefits of the work of these centres to the entire system of teacher education in the State, and for that purpose to prepare teaching-learning materials;

- (9) to set up, conduct and promote, under the responsibility of the Centre of Research, various councils for research in subjects, as follows:
- (i) new roles of contemporary teachers;
 - (ii) Art and Science of nurturing gifted children;
 - (iii) Art and Science of care of the weak and of those who are psychologically and physically challenged;
 - (iv) special problems of childhood, adolescence and youth;
 - (v) philosophy and psychology of education in the light of indian pedagogy and contemporary development;
- (10) to set up, promote and conduct under the control and management of Centre of Research, several departments of research, instruction and communication in regard to themes, not so generic as those for the councils of research, but more specific and special such as those of :
- i) unity of knowledge and interdisciplinary studies;
 - ii) new techniques of communication;
 - iii) curriculum development : ordinary courses, advanced studies and specialized courses;
 - iv) Indian and World history;
 - v) multilingualism and Indian and international languages;
 - vi) comprehensive physical education;
 - vii) village reconstruction;
 - viii) value-oriented education; and
 - ix) techno-pedagogy; etc.
- (11) to set up, conduct and promote a department of research in testing and evaluation and to support the requirement of creating a new system of testing services for the following purposes :-
- (i) removing from the students the fear of the examination so that tests are available by means of computer technology as and when the students are ready for the them, and even individually;
 - (ii) replacing the test of memory by the test of comprehension;
 - (iii) organizing tests for development of attitudes, aptitudes, personality, sterling qualities of character, and value oriented and skill oriented development, as also tests of physical fitness;
- (12) to establish, conduct and promote under the centre of extension services a centre for continuing education and of telecasting programmes of social education throughout the State, which will stimulate all-round interest in the promotion of the teacher

education formal, non-formal and informal, including methods of education through visits to museums and organization of exhibitions, and publications of brochures, pamphlets, occasional papers and other materials for the promotion of themes of teachers' education;

- (13) to undertake, organize and conduct programmes for the purposes of teachers' training for those who are to be engaged in work of teaching in various schools and institutions and to provide them a general programme of introduction to philosophy of teacher education and to the philosophy of holistic education, as also elementary courses related to the lessons of history, with special reference to Indian culture, its underlying spirituality, robust intellectuality and inexhaustible vitality;
- (14) to undertake, organize and conduct, under its Centre of Education, educational programmes for the University students admitted for various programmes of teacher education as also those engaged in research for M.Phil., Ph.D. and doctoral programmes relating to teacher education;
- (15) (a) to provide for instruction, extension, teaching and training in such branches or learning and courses of study as the University may, from time to time, determine;
- (b) to conceive, design, conduct and promote under the auspices of its Centre of Education, for candidates having in their background successful twelve year school education, high level integrated five year courses in Teacher Education leading to the degrees of M.A. (Education), M.Sc. (Education), M.Com. (Education), M.Ed.(Humanities), M.Ed.(Science), M.Ed.(Fine Arts), M.Ed. (Crafts), M.Ed. (Commerce), M.Ed. (Vocational Education), M.Ed. (Value-oriented Education) and such other courses of general or specialised nature or else four year integrated courses leading to the degrees, such as those of B.A., B.Ed.; B.Sc., B.Ed.; B.Com, B.Ed., provided that the courses shall be of general or specialised nature, including specialisation in teaching languages, history, geography, economics, political science, logic, philosophy, psychology, etc., and such other four years or five years integrated courses have special component of physical education (theoretical and Practical) with specialisation in *yogic asanas* and pranayama-gymnastics-athletics-aquatics and games (indian and western) and exposure to or participation in activities of NSS, NCC and Scouts and Guides provided that these courses will have as their component parts foundational courses consisting of elements such as those of general knowledge, fundamental duties, indian culture, value-oriented education, skill-oriented education, and introduction to the global world, etc.;

(c) to develop specialised departments, under the auspices of the Centre of Education, which will conceive, design, conduct and promote foundational courses, core courses and elective courses for full time candidates of the University, covering a wide range of subjects of humanities, sciences, fine arts, commerce as also those that will aid teaching in schools such of the subjects or topics that are relevant to home science, agriculture, horticulture, floriculture, multiple vocational courses, rural arts and crafts, philosophy of education, psychology of rational, aesthetic and ethical education, and philosophy and psychology of spiritual and integral education, prenatal and early childcare, philosophy of rights for children, technology for children, science for children, children's literature, fundamental duties, education for the gifted children, education for psychologically and physically challenged children, children's rights, children's films, students' counselling, problems of curriculum development, problems of rural reconstruction, etc.;

(d) to provide interrelated connections amongst the following areas in all the integrated courses of teachers' education :-

- Area 1: Theoretical, Experiential and Experimental Foundations of Education.
- Area 2 : Curriculum and Pedagogy.
- Area 3 : Practicum Courses and School Internship.

(e) to conceive, design, conduct and promote under the auspices of its Centre for Training various short-term or long-term courses for pre-service or in-service training programmes centred on specific specialties or topics;

(f) to organise under its Centre of Training several specialised in-service training courses so as to serve those -

- (i) who need to migrate to a foreign country, and
- (ii) such other groups of candidates or teachers who have special needs for training;

(g) to conceive, design, conduct and promote, under the auspices of its Centre for Extension Services, such programmes that are devoted to spreading in the society Science and Art of Pedagogy, as also Art and Science of Living, and lessons of Culture through various methods of instruction and publication of pamphlets and brochures, and other audio-visual material, specially designed to serve the parents to play the demanding new roles to become more and more competent teachers, and to enhance the causes of the aims of continuing education and lifelong education;

- (h) to permit its own facilities such as laboratories, film studios, and exhibitions for legitimate use by the public at large;
- (16) to create posts of Executive Officers, Directors, Professors, Associate Professors and Assistant Professors, and other members of academic and non-academic staff of equivalent responsibility, teaching or non-teaching academic posts of the University with the prior approval of the Executive Council and to prescribe the qualifications in accordance with the guidelines of the University Grants Commission or All India Council for Technical Education and other national statutory bodies and make appointments thereto; as well as to create non-teaching skilled, administrative, ministerial and other posts and to prescribe the qualifications and pay-scales with prior approval of the State Government and to make appointments thereto;
- (17) to appoint or recognize persons working in any other University or organization as adjunct professors, adjunct associate professors, adjunct assistant professors, visiting professors of the University for specified periods; and to facilitate mobility of academic members within the University and to other Universities;
- (18) to designate a University centre or institution, to monitor, periodically inspect and evaluate the academic performance of various Centers, Colleges and Institutions for ensuring proper standards of research, education, training, extension services, teaching and adequate library, laboratory, hostel and other academic facilities, in accordance with the guidelines, if any, laid down by the University Grants Commission, NCTE or by the Executive Council;
- (19) to make special provisions for the benefit of the University education to be made available to Socially and Educationally Backward Classes and communities particularly from rural and tribal areas;
- (20) to supervise, control and regulate the conduct and discipline and periodical assessment of the performance of the students and employees;
- (21) to establish teachers' education and training institutions of innovative education and to provide for education and training for implementation of the educational innovations;
- (22) to endeavour to enrich the present system of teacher education so as to make it more responsive to the ideals of Indian Nationalism and Internationalism;

- (23) to develop new system of teacher education as supplementary or alternative to existing system of teacher education for purposes of achieving higher goals of excellence;
- (24) to co-operate or collaborate with any other University, including any foreign University, Institution, Authority or Organization for research, educational, training and advisory services, as also for expansion of extensive services;
- (25) to borrow funds for the purposes of the University on the security of the property of the University, subject to the prior approval of the State Government;
- (26) to receive funds for collaboration programmes from foreign agencies subject to rules and regulations of the Central Government and State Government in that behalf;
- (27) to organize and undertake extra-mural teaching and extension services;
- (28) to fix, demand and receive fees and other charges;
- (29) to supervise, control and regulate admission of students;
- (30) to establish, organize, maintain, manage and supervise and control the functioning of centres, departments, institutions, generally, and in particular, laboratories, film studios, libraries, museums, computer centres and equipment;
- (31) to implement the national literacy and adult education programme through teachers and students on voluntary basis in the University system and to evolve measures to give due emphasis to the efforts and performance of the students in this area in addition to their normal academic performance, and also to evaluate the performance of the teachers in this area;
- (32) to hold and manage trusts and endowments and institute and award fellowships, scholarships, studentships, medals and prizes for teachers and students of the University;
- (33) to receive grants, subventions, subscriptions, donations and gifts for the purpose of the University and consistent with the objects for which the University is established and to allocate and disburse grants out of the fund to institutions and courses recognized by it for the purpose of developing them so as to promote teacher education;
- (34) to consult and obtain concurrence of the various bodies in respect of recognition and accreditation granted by the statutory boards and Universities for the purpose of arriving at

equivalence of the course, programmes and evaluation system established by it with the existing standards of education; and

- (35) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or promotion of the objects of the University.

Modes of research. 7. The University shall conduct its research programmes by employing various means as may be prescribed by the Statutes.

Jurisdiction of University. 8. The territorial jurisdiction of the University shall extend to the whole of the State of Gujarat.

University open to all irrespective of religion, race, caste, sex or opinion. 9. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the grounds only of religion, race, caste, sex, place of birth or political or other opinion :

Provided that the University may, subject to the previous sanction of the State Government, maintain, affiliate or recognize any college or institution exclusively for women either for education, instruction or residence, or reserve for women or members of classes and communities which are educationally backward, places for the purposes of admission as students in any college or institution maintained or controlled by the University.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to religion, race, caste, sex or political or other opinion in order to entitle him to be admitted as a teacher or to hold any office in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or benefaction thereof.

CHAPTER III OFFICERS OF UNIVERSITY

Officers of University. 10. The following shall be the officers of the University, namely :-

- (i) The Chancellor;
- (ii) The Vice-Chancellor;
- (iii) The Registrar;
- (iv) The Finance and Accounts Officer; and
- (v) such other officers as may be declared by the Statutes to be the officers of the University.

Chancellor. 11. (1) The Governor of Gujarat shall be the Chancellor of the University. He shall, by virtue of his office, be the head of the University.

(2) The Chancellor shall have the following powers and functions :

- (a) The Chancellor, when present, shall preside at the Convocation of the University and may issue direction to the Vice-Chancellor to convene the meeting of any authority of the University for specific purposes.
- (b) The Chancellor, in the interests of the University, may direct the Standing Committee to look into the matter of disqualification of any member of the University, authority, body or committee, the conduct of any nominated or appointed or co-opted member if he thinks it is against the smooth functioning of the University.

12. (1) The Vice-Chancellor shall be appointed by the State Government in consultation with the Chancellor in the manner stated hereunder :- Vice-Chancellor.

(2) (a) There shall be a Search Committee constituted by the State Government consisting of three members, to be nominated by the State Government to recommend suitable names, for appointment of Vice-Chancellor. The member of the Search Committee shall be from any one or more of the following categories, namely :

- (i) an eminent educationist;
- (ii) a retired Judge of the High Court of Gujarat;
- (iii) a retired Chief Secretary/Additional Chief Secretary of the Government of Gujarat;

The State Government shall nominate one of them as the Chairman of the Committee.

(b) The members nominated for the committee shall be the persons who are not connected with the University or any institution of the University.

(3) The committee appointed under sub-section (2) shall begin the process of recommending the panel of names for the appointment of the Vice-Chancellor, at least four months before the probable date of occurrence of the vacancy of the post of the Vice-Chancellor and shall complete within the time limit as may be fixed by the Chancellor. The State Government may extend the time limit if in the exigency of the circumstances, it is necessary so to do :

Provided that the period so extended shall not exceed three months in the aggregate.

(4) The committee shall consider and recommend the names of persons who possess the following qualification for the post of Vice-Chancellor:

- (a) leadership in any field of teacher education and development with the experience of having served in a university or an educational institution for not less than ten years and is renowned for research or creative work as evidenced through publications or guidance provided to research students of a University or College or leadership provided to the field of humanities, science, fine-arts and crafts, technology, medicine, industry; or
- (b) leadership in the field of administration as evidenced through service of ten years of experience as a Registrar in a University or as a Principal of a college or in a research academy or a Research Council under the State or the Central Government;

(5) The search committee shall recommend a panel of three suitable persons for the consideration of the Chancellor for being appointed as the Vice-Chancellor. The names shall be in alphabetical order without any preference being indicated. The report may be accompanied by detailed write-up suitability for each person included in the panel.

(6) The State Government shall, in consultation with the Chancellor, appoint one of the persons included in the panel referred to in sub-section (5) as the Vice-Chancellor of the University.

**Terms and
conditions of
appointment of
Vice-
Chancellor.**

13. (1) The Vice-Chancellor shall hold office for a term of five years from the date he enters upon his office or till attaining the age of sixty-five years, whichever is earlier and shall not be eligible for re-appointment.

- (2) (a) During the leave or absence of the Vice-Chancellor, or
- (b) in the event of a permanent vacancy in the office of the Vice-Chancellor, until an appointment is made under sub-section (1) of section 12 to that office -

the Dean, as nominated by the Vice-Chancellor, shall carry on the current duty of the office of the Vice-Chancellor.

(3) The Vice-Chancellor shall be a whole-time salaried officer of the University and his pay, allowances, emoluments and other terms and conditions of service shall be such as may be prescribed.

(4) The Vice-Chancellor may, by writing under his signature addressed to the Chancellor, after giving one month's notice, resign his

office and such resignation shall take effect from the date of acceptance of his resignation by the Chancellor.

(5) The Vice-Chancellor may be removed from his office if the Chancellor in consultation with the State Government, is satisfied that the incumbent,

- (a) has become insane and stands so declared by a competent court;
- (b) has been convicted by a court for any offence involving moral turpitude;
- (c) has become an undischarged insolvent and stands so declared by a competent court;
- (d) has been physically unfit and incapable of discharging functions due to protracted illness or physical disability;
- (e) has willfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the services as prescribed by the State Government or has abused the powers vested in him or if the continuance of the Vice-Chancellor in the office is detrimental to the interests of the University;
- (f) is a member of, or be otherwise associated with, any political party or any organization which takes part in politics, or is taking part in, or subscribing in aid of, any political movement or activity;

Provided that the Vice-Chancellor shall not be removed from his office unless an opportunity of being heard is given to him.

14. (1) The Vice-Chancellor shall be the principal academic and executive officer of the University responsible for the efficient functioning and development of academic programmes of the University. He shall oversee and monitor the administration of the academic programmes and general administration of the University to ensure efficiency and good order of the University.

**Powers and
functions of
Vice-
Chancellor.**

(2) He shall be entitled to be present, with the right to speak, at any meeting of any authority or body of the University, but shall not be entitled to vote thereat, unless he is the Chairman or a member of that authority or body.

(3) It shall be the duty of the Vice-Chancellor to ensure that the directive of the State Government, if any, and the provisions of the Act, the Statutes, the Ordinances and the Regulations are strictly observed

and that the decisions of the authorities, bodies and committees which are consistent with the Act, the Statutes, the Ordinance or the Regulations are properly implemented.

(4) The Vice-Chancellor may take suitable action in case of any emergency, in interest of the University:

Provided that, where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such action, an appeal to the Executive Council.

(5) The Vice-Chancellor shall be the appointing and disciplinary authority for Registrar, Finance and Accounts Officer, Members of the Academic Staff of the University and officers of the University of the rank of Assistant Registrar and of the rank equivalent thereto and above.

(6) The Vice-Chancellor shall place before the Executive Council a report of the work of the University periodically.

(7) The Vice-Chancellor shall have the right to cause an inspection to be made by such person or persons or body of persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipments, hostels maintained or recognized by the University, and of any institution of the examinations, teachings and other work conducted by or on behalf of the University, and to cause an inquiry to be made in a like manner regarding any matter connected with the administration, finance, and academic activity of the University.

(8) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by or under this Act.

Registrar. 15. (1) The Registrar shall be appointed by the Vice-Chancellor on the recommendations of the standing committee.

(2) The qualification, salary, emoluments, other perks and allowances and the terms and conditions of service of the Registrar shall be such as may be prescribed by the Statutes.

(3) The Registrar shall be a full-time salaried officer of the University and shall work directly under the superintendence, direction and control of the Vice-Chancellor.

(4) Appointment of the Registrar shall be for a term of five years and he shall be eligible for re-appointment for further term of five years.

(5) When the post of Registrar remains vacant for any reason or when the Registrar is, by reason of illness or absence or any other cause, unable to perform the duties of his office, the Vice-Chancellor shall

appoint a senior officer of the University to officiate as the Registrar until the Registrar resumes duty.

(6) The Registrar shall be the *ex-officio* Secretary of the General Council, Executive Council and Academic Council.

(7) The Registrar shall be the appointing and the disciplinary authority of the employees of the University other than the teachers, non-vacation academic staff and officers of the rank of Assistant Registrar and other officers holding posts equivalent thereto or above.

(8) Subject to the decision of the authorities of the University, the Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University.

(9) The Registrar shall be the custodian of the records, the common seal and such other property of the University as the Executive Council may commit to his charge.

(10) The Registrar shall exercise such other powers and perform such other duties as prescribed by Statutes or assigned to him, from time to time, by the Vice-Chancellor.

16. (1) The Finance and Accounts Officer shall be appointed by the Vice-Chancellor in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes. **Finance and Accounts Officer.**

(2) The qualification, salary, allowances, emoluments, other perks and facilities and terms and conditions of service, the tenure of the Finance and Accounts Officer shall be such as may be prescribed by the Statutes.

(3) When the office of the Finance and Accounts Officer is vacant or when the Finance and Accounts Officer is, by reasons of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) The Finance and Accounts Officer shall –

- (a) exercise general supervision over the funds of the University and shall advise as regards its financial policy; and
- (b) perform such other financial functions as may be assigned to him by the Executive Council.

CHAPTER IV AUTHORITIES OF UNIVERSITY

Authorities of 17. The following shall be the authorities of the University, University. namely :-

- (i) The General Council;
- (ii) The Executive Council;
- (iii) The Academic Council;
- (iv) The Finance Committee; and
- (v) such other authorities of the University as may be declared by the Statutes, to be the authorities of the University.

General 18. (1) The General Council shall be the apex authority of the Council. University.

(2) The General Council shall consist of the following members, namely:

- (i) the Chancellor, who shall be the Chairperson of the General Council;
- (ii) the Vice-Chancellor;
- (iii) the Minister-in-charge of Education (Primary, Secondary, Adult), Higher and Technical Education, Gujarat State or his nominee;
- (iv) the Minister-in-charge of Women and Child Welfare, Gujarat State or his nominee;
- (v) the Executive Chairperson, Gujarat Educational Innovations Commission;
- (vi) the Chairman, University Grants Commission or his nominee;
- (vii) the Chief Secretary, Government of Gujarat;
- (viii) the Secretary to the Government of Gujarat, Education Department or his nominee not below the rank of Deputy Secretary;
- (ix) the members of Gujarat Educational Innovations Commission;
- (x) the Secretary to the Government of Gujarat, Primary Education or his nominee not below the rank of Deputy Secretary;

- (xi) the Secretary to the Government of Gujarat, Women and Child Development Department or his nominee not below the rank of Deputy Secretary;
 - (xii) the Chairman, National Council for Teacher Education or his nominee;
 - (xiii) the Commissioner of Higher Education, Gujarat State or his nominee not below the rank of Joint Director;
 - (xiv) the Commissioner of Schools, Gujarat State or his nominee not below the rank of Joint Director;
 - (xv) the Director, Gujarat Council of Educational Research and Training, Gandhinagar;
 - (xvi) the Chairman, Gujarat Secondary and Higher Secondary Education Board, Gandhinagar;
 - (xvii) all directors of the University;
 - (xviii) the Director-General, NCC Headquarters, Ahmedabad;
 - (xix) the State Chief Commissioner, Gujarat State, Bharat Scouts and Guides;
 - (xx) two leaders of experimental or innovative Education to be nominated by the State Government;
 - (xxi) all members of Executive Council;
 - (xxii) five persons to be nominated by the State Government, who shall include distinguished educationist, scholars, social workers or representatives of industry and professions;
 - (xxiii) the Registrar shall be the Member-Secretary of the General Council.
- (3) The term of members other than the *ex-officio* members shall be five years.
- (4) The General Council shall meet at least once during a calendar year.
- (5) The quorum shall not be less than one-third of the total number of members of the General Council.

Powers and
functions of
General
Council.

19. The General Council shall have the following powers and functions, namely :-

- (1) to approve and endorse the University's strategic plan, calendar, and monitor the University's performance periodically;
- (2) to prepare and submit annual report to the State Government on the affairs of the University generally, and in particular on management of the University's resources;
- (3) to determine the academic awards, degrees, diplomas, certificates, concessions of fee, awards of Fellowships and Studentships to be offered by the University in consultation with the Academic Council; and
- (4) to exercise such other powers and perform such other functions as may be necessary for the efficient functioning of the University.

Executive Council. 20. The Executive Council shall be the chief executive body of the University and shall consist of the following members, namely :-

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Secretary to the Government of Gujarat, Education Department or his nominee not below the rank of Deputy Secretary;
- (iii) the Secretary to the Government of Gujarat, Finance Department or his nominee not below the rank of Deputy Secretary;
- (iv) the Commissioner of Higher Education, Gujarat State or his nominee not below the rank of Joint Director;
- (v) two members of the Academic Council to be nominated by the Vice-Chancellor;
- (vi) four members to be nominated by the State Government from amongst the members of the General Council;
- (vii) the Finance and Accounts Officer;
- (viii) the Registrar shall be the Member-Secretary.

21. The Executive Council shall have the following powers and functions, namely :-

**Powers and
functions of
Executive
Council.**

- (a) to enter into, vary, carry out and cancel contracts on behalf of the University;
- (b) to determine the form of a common seal for the University and provide for its custody and use;
- (c) to accept trusts, bequests, donations and transfer of any movable or immovable property on behalf of the University;
- (d) to transfer by sale, or otherwise, any movable property on behalf of the University;
- (e) to borrow, lend or invest funds on behalf of the University on the recommendation of the Finance Committee;
- (f) to lay down policy for administering funds at the disposal of the University for specific purposes;
- (g) to make provisions for buildings, premises, furniture, apparatus and other means needed for the conduct of the work of the University;
- (h) to hold, control and arrange for administration of assets and properties of the University;
- (i) to approve the annual accounts and the budget estimates received from the Finance Committee;
- (j) to lay down terms and conditions of service and other guidelines approved by the State Government from time to time; and lay down the procedure for appointment of University/college teachers and non-vacation academic staff and fix their emoluments and norms of workload, conduct and discipline;
- (k) to create posts of University teachers, officers, non-vacation academic staff and other employees of the University, subject to prior approval of the State Government;
- (l) to exercise such other powers and perform such other functions as may be necessary for the efficient functioning of the University.

Academic Council. 22. The Academic Council shall consist of the following members, namely :-

- (i) the Vice-Chancellor, *ex-officio* Chairpers
- (ii) all the Directors of the University;
- (iii) all the Professors of the University or Heads of Institutions of the rank of Professors;
- (iv) the Heads of recognized and approved colleges or institutions;
- (v) all the Scholars nominated in the Councils of Research;
- (vi) all Fellows of the University;
- (vii) three students nominated by the Vice-Chancellor on the basis of their excellence in regard to their outstanding performance in any of the academic and extra-curricular activities in the immediate preceding year;
- (viii) the Registrar shall be the Member-Secretary.

Powers and functions of Academic Council. 23. The Academic Council shall have the following powers and functions, namely :-

- (1) to recommend to the Executive Council for the institution of degrees, diplomas, certificates, as also their equivalence, if required, with the degrees, diplomas, certificates of the other Universities, recognized Boards of Studies and examinations and also recommend other academic distinctions;
- (2) to make proposal to the Executive Council for the institution of fellowships, travelling fellowships, scholarships, studentships, medals and prizes and make regulations for their award;
- (3) to grant affiliation and recognition to colleges or institutions;
- (4) to accord recognition to institutions of research or specialized studies on the recommendations of the committees appointed by the General Council;
- (5) to advise the University on all academic matters and submit to the Executive Council the details of the academic calendar and feasibility reports on academic programmes;
- (6) to determine research areas as well as promote research in the University;

- (7) to suggest academic appointments;
- (8) to recommend for the visiting professors;
- (9) to propose, organize special seminars, conferences and workshops;
- (10) to implement the resolutions adopted by the Executive Council in respect of academic and research programmes and other activities;
- (11) to constitute committees for specific purposes, in such manner as may be determined by it, and may designate one of its members as Chairperson of the committee;
- (12) to consider and adopt the annual report, annual accounts and audit report and forward them to the Executive Council for approval;
- (13) to delegate any of its powers, except the power to make, amend or repeal Ordinances, to such officer or authority of the University or a committee appointed by it, as it thinks fit;
- (14) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching, research and supervisory and advisory posts in the University and qualifications, emoluments and the duties attached thereto;
- (15) to formulate, modify or revise schemes for the organizations of the centres, council and departments of research, colleges, or other organization and specialized institutes, and to assign to them their respective subjects and also to report to the Executive Council for its approval;
- (16) to consider proposals submitted by the departments, centres, councils and other recognized colleges;
- (17) to make recommendations to the Executive Council in regard to the appointment of examiners and fixation of their fees, emoluments and travelling and other expenses;
- (18) to make arrangements for the conduct of examinations and to fix dates for such examinations;
- (19) to declare the results of examinations, or to appoint committees or officers for declaration of such result, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, certificates, titles and marks of honour;

- (20) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for carrying out the provisions of this Act and the Regulations.

Meetings of Academic Council. 24. (1) The Academic Council shall meet as many times as may be necessary, but at least once in six months.

(2) The Vice-Chancellor shall preside at the meeting of the Academic Council.

(3) The Academic Council shall meet at such time and at such place and with such period of notice and shall observe such rules of procedure in regard to transaction of its business at its meeting, including the quorum at such meeting as may be prescribed;

(4) When any urgent action is required, the Vice-Chancellor may, with the approval of the majority of the members of the Academic Council, permit the business to be transacted by circulation among the members of the Academic Council. The action so taken as approved by circulation shall be placed before the next meeting of the Academic Council.

Finance Committee. 25. (1) The Finance Committee shall consist of the following members, namely :-

- (i) The Vice-Chancellor,
- (ii) The Registrar,
- (iii) The Finance and Accounts Officer,
- (iv) One member of the Executive Council, to be nominated by it,
- (v) One member, to be nominated by the State Government.

(2) The term of members other than the *ex-officio* members shall be of three years.

(3) A member nominated by the Executive Council shall cease to be a member of the Finance Committee, if he ceases to be a member of the Executive Council.

Powers and functions of Finance Committee. 26. (1) The Finance Committee shall have the following powers and functions, namely :-

- (a) to examine and scrutinize the annual budget of the University and to make recommendations on financial matters to the Executive Council;
- (b) to consider all proposals for new expenditure and to make recommendations to the executive council;

- (c) to consider periodical statement of accounts and to review the finances of the University from time to time, to consider annual accounts and balance sheet of the University and audited statements and audit reports, and to make recommendations thereon to the Executive Council;
 - (d) to advise and to make recommendations to the Executive Council on any financial matters affecting the University, either on its own motion or on reference from the Executive Council.
- (2) The Finance Committee shall meet at least once in every six months. Three members of the Finance Committee shall form the quorum for a meeting.
- (3) The Vice-Chancellor shall preside at the meetings of the Finance Committee.
- (4) The annual report of the University shall be prepared under the direction of the Finance Committee and shall be submitted along with its comments to the Executive Council on or before such date as may be prescribed and shall be considered by the Executive Council at its annual meeting.

27. A person shall be disqualified for being appointed or for being a member of any of the authorities of the University, if he –

**Disqualifications
for membership
of authorities of
University.**

- (a) is of unsound mind and stands so declared by a competent court;
- (b) is an undischarged insolvent and stands so declared by a competent court;
- (c) has been convicted of any offence involving moral turpitude;
- (d) is conducting or engaging himself in private tuitions or private coaching classes;
- (e) has been punished for indulging in or promoting unfair practices in the conduct of any examination in any form;
- (f) discloses or causes to disclose to public, in any manner whatsoever, any confidential matter, in relation to examination, the knowledge of which he has come to be in possession, due to his official position.

CHAPTER V RESEARCH COUNCILS

- Constitution and functions of Research Council.** 28. (1) There shall be set up under the control of the centre of research, various councils for research as may be necessary, for research in the various subjects related to teacher education.
- (2) Each Research Council shall consist of the Vice-Chancellor as its Chairman and the Director who shall be of the rank of the professor and shall act as the Member-Secretary.
 - (3) Each Research Council shall consist of four Scholars nominated by the Chairman, Vice-Chairman and Member-Secretary and approved by the Academic Council.
 - (4) The Scholars shall be eminent educationists in the subject for which the council is constituted and their role shall be to bring to the council their expert advice so as to promote research work of the council.
 - (5) The Scholars in each council shall not be entitled to any salary or emoluments but shall be entitled to a fee as may be prescribed by the regulations of the University for attending the meeting as also facilities for travel, transport and accommodation for each of their visits that they may be required to perform.
 - (6) The Council shall meet at such time and place, and shall observe such rules of procedure with regards to transaction of its business at the meeting as may be deemed necessary by it.
 - (7) For research in the research councils, there shall be a provision of fellowships which shall consist of not more than twenty-five fellows.
 - (8) The Fellows shall be selected by a committee appointed by the Academic Council :

Provided that twelve of the fellowships shall be awarded for junior research fellows enrolled in the University for M.Phil. and Ph.D. research work:

Provided further that one Fellow shall be awarded a national fellowship to the selected from among eminent educationists and the remaining twelve fellowships shall be awarded as senior fellowships to eminent educationists of the rank of Associate Professors and Assistant Professors of the University.

- (9) Each Fellow shall carry out research in any subject related to the themes of councils of research and deliver lectures in the University whenever so required.
- (10) The term of a Fellow shall be of two years within which he shall write a thesis of fellowship on the subject assigned to him:
- Provided that the Academic Council may extend the term by one year.
- (11) The salary and allowances payable to a Fellow shall be such as may be determined by the regulations of the University in accordance with the scheme of Fellowships of the University Grants Commission.

CHAPTER VI FINANCE

29. (1) The University shall establish a Fund to be called the **University Fund.**

(2) The following shall form a part of, or be paid into the University Fund –

- (i) any contribution or grant made by the State Government, Central Government or an agency of the Central Government;
- (ii) any bequests, donations, endowments or other grants made by any private individual or institution;
- (iii) income received by the University from all the sources including income from fees and charges; and
- (iv) amounts received from any other source.

(3) The University Fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 or in a Co-operative Bank approved by the State Government for the purpose.

(4) The University Fund shall be utilized for such purposes of the University and in such manner as may be prescribed by the Statutes.

30. Notwithstanding anything contained in this Act or the regulations, whenever the University receives funds from any Government or other agencies sponsoring a scheme to be executed by the University, - **Fund of sponsored scheme.**

- (1) the amount received shall be kept by the University in separate account and shall be utilized for the purpose of the scheme; and

- (2) the staff required to execute such scheme shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organization.

Accounts, Audit and Annual Report. 31. (1) The annual accounts and balance sheet of the University shall be prepared under the direction of the Executive Council and shall, every year, be audited by the auditors appointed by the State Government.

(2) The annual accounts, the balance sheet and the audit report shall be considered by the Executive Council at its annual meeting and it may, by resolution make recommendations with reference thereto and communicate the same to the Finance Committee.

(3) A copy of the annual accounts and the balance sheet together with the audit report thereon shall be submitted by the University to the State Government along with the statement of action taken by the University on the said report.

(4) Any observations made by the State Government on the annual accounts shall be brought to the notice of the University and the compliance report on such observations shall be submitted to the State Government.

(5) The Executive Council shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year. The annual accounts and financial estimates shall be considered by the General Council shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year. The annual accounts and financial estimates shall be considered by the General Council at its annual meeting and may be passed with such modifications as the General Council may deem fit.

CHAPTER VII

STATUTES, ORDINANCES AND REGULATIONS

Statutes. 32. (1) Subject to the provisions of this Act, the Executive Council may make the Statutes to provide for all or any of the following matters, namely :-

- (i) conferment and withdrawal of honorary degrees and other academic distinctions;
- (ii) holding of convocation to confer degrees and diplomas;
- (iii) powers, duties and functions of the officers of the University;

- (iv) constitution, powers and duties of the authorities of the University;
- (v) institution and maintenance by the University, of departments, institutes of research or specialized studies, post-graduate centres in affiliated colleges and hostels;
- (vi) acceptance and management of bequests, donations and endowments;
- (vii) manner of utilization of the University Fund;
- (viii) registration of graduates and maintenance of a register of registered graduates;
- (ix) manner and rules of procedure in regard to transaction of business at the meetings including the quorum of the meeting, of the authorities of the University and for the transaction of business;
- (x) qualifications of professors, readers, lecturers and teachers in approved and recognized institutions;
- (xi) the maximum number of students to be admitted in a centre, school and institution;
- (xii) suitable and adequate physical facilities such as buildings, laboratories, library books, equipments required for teaching and research, hostels, etc.;
- (xiii) to conduct various research programmes;
- (xiv) qualifications, salary, allowances, emoluments and other terms and conditions of service of the Registrar and the Finance and Accounts Officer;
- (xv) manner of appointment of the Finance and Accounts Officer;
- (xvi) preparation of the financial estimates for the ensuing year;
- (xvii) all other matters which by or under this Act are to be or may be prescribed by the Statutes;

(2) The Statutes may be made, amended or repealed by the Executive Council in the manner hereinafter provided.

(3) The Executive Council may take into consideration the draft of Statutes either of its own motion or on a proposal made by any other authority of the University. The Executive Council, if it thinks

necessary, may also obtain the opinion of any officer, authority or body of the University in regard to any draft Statutes which is before it for consideration:

Provided that where any draft Statutes pertains to academic matters, the Executive Council shall obtain the opinion of the Academic Council before considering the same.

(4) Every Statute passed by the Executive Council shall be presented to the Chancellor who may give or withhold his assent thereto or refer it back to the Executive Council for reconsideration.

(5) No Statute passed by the Executive Council shall be valid or shall come into force until assented to by the Chancellor.

(6) Notwithstanding anything contained in the foregoing provisions, the Chancellor, on the advice of the State Government direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Executive Council fails to implement such a direction within sixty days of its receipt, the Chancellor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably as advised by the State Government.

Ordinances. 33. (1) Subject to the provisions of this Act, the Executive Council may make the Ordinances to provide for all or any of the following matters, namely :-

- (i) the conditions under which students shall be admitted to courses of studies for degrees, diplomas and other academic distinctions;
- (ii) conditions governing the appointment and the duties of examiners;
- (iii) conduct of examinations;
- (iv) recognition of teachers of the University;
- (v) conditions of residence, conduct and discipline of the students of the University;
- (vi) recognition of hostels;
- (vii) inspection of approved and recognized institutions and hostels;
- (viii) rules to be observed and enforced by approved and recognized institutions in respect of transfer of students;

- (ix) mode of execution of contracts or agreements for, or on behalf of the University;
- (x) all other matters which, by or under this Act may be required to be provided.

(2) The Executive Council may make, amend or repeal Ordinances in the manner hereinafter provided.

(3) No Ordinance concerning the matters referred to in clauses (i) to (viii) of sub-section (1), or any other matter connected with the maintenance of the standards of teaching and examinations within the University, shall be made by the Executive Council unless a draft thereof has been proposed by the Academic Council.

(4) The Executive Council shall not have the power to amend any draft proposed by the Academic Council under sub-section (3), but may approve the draft Ordinances or either reject or return it to the Academic Council for reconsideration, in whole or in part, together with any amendments which the Executive Council may suggest.

(5) All Ordinances made by the Executive Council shall have effect from such date as it may direct, but every Ordinance so made shall be submitted to the Chancellor within a period of two weeks. The Chancellor shall have the power to direct the Executive Council, within four weeks of the receipt of the Ordinances, to suspend its operation, and he shall, as soon as possible, inform the Executive Council of his objection to it. He may, after receiving the comments of the Executive Council, either withdraw the order suspending the Ordinances or reject the Ordinances, and his decision shall be final.

34. Subject to the provisions of this Act, the Executive Council may **Power to make** make Regulations consistent with the provisions of this Act to provide **regulations.** for all or any of the following matters, namely :-

- (i) constitution of committees for specific purposes, and members and Chairperson of such committee under sub-section (11) of section 23;
- (ii) time, place and period of the meetings of the Academic Council and rules of procedure for transaction of business at such meetings, including the quorum of the meeting under sub-section (3) of section 24;
- (iii) fee for attending the meeting and facilities for travel, transport and accommodation for visits in discharge of function under sub-section (5) of section 28;

- (iv) salary, allowances payable to the Fellow, in accordance with the scheme of Fellowships of the University Grants Commission under sub-section (11) of section 28;
- (v) all other matters which, by or under this Act may be required to be provided.

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Prior approval of State Government. 35. (1) The University may with the prior approval of the State Government—

- (a) create any post of a member of the academic or a non-academic staff of the University and the pay and allowances thereof;
- (b) divert the use of any earmarked fund for a purpose other than that for which it was originally earmarked;
- (c) transfer any immovable property belonging to it;

(2) The University may incur expenditure from the University Fund and development fund, if any, established by the University for the purpose of—

- (i) initiating and maintaining any self-financed academic course, and
- (ii) development work,

with the prior approval of the State Government, if such expenditure imposes financial liability on the State Government.

(3) Notwithstanding anything contained in any Statutes, Ordinances and Regulations, the State Government may lay down a standard code for recruitment and conditions of service of academic and non-academic staff of the University.

Power of State Government to give directions. 36. (1) Where in the opinion of the State Government, the affairs of the University or institution are carried on in a manner detrimental to the object of the establishment of the University or to its finances or to public interest, the State Government may cause to be made a full and complete investigation into the affairs of the University or institution by appointing a committee for this purpose.

(2) The committee shall, within a period of one month or such period as the State Government may specify, make a report to the State Government containing recommendations as to the actions to be taken

on the affairs of the University or institution, and steps to prevent carrying on the affairs in the aforesaid manner.

(3) If the State Government is satisfied that it is desirable to take actions as recommended by the committee, it may issue such directions to the University or institution as may be appropriate in the circumstances.

(4) Where the University or college or institution fails to carry out any direction given by the State Government, it may withhold the grant to the University or institution.

37. (1) There shall be a Standing Committee of the University **Standing Committee.** for the purpose of selection for the posts of professors or such other post as may be prescribed.

(2) The standing committee shall consist of the following members, namely :-

- (a) a retired Judge of the Supreme Court of India or a retired Chief Justice of the Gujarat High Court or an eminent leader of Industry or Commerce or Management, to be nominated by the Chancellor of the University;
- (b) a retired Chief Secretary, Government of Gujarat, to be nominated by the State Government;
- (d) a former Vice-Chancellor of a University in Gujarat, to be nominated by the State Government;

The State Government shall nominate one of them as the Chairperson of the Committee.

(3) For the selection for appointment to the posts of the Registrar and Professors, there shall be a search committee consisting of :-

- (a) the Vice-Chancellor, *ex-officio* Chairman; and
- (b) two members nominated by the Academic Council.

(4) The search committee shall recommend to the standing committee, three names of suitable candidates along with their bio-data. After scrutinizing the bio-data and, if necessary, after interview of the concerned candidates, the standing committee may select one of them and recommend to the Executive Council for appointment on the concerned post.

(5) The terms and conditions, the tenure of service and salary, allowances, perks and other facilities of the members of the committee shall be such as may be prescribed by or under this Act.

Resignation from membership and filling up of casual vacancy. 38. (1) A member of any authority, other than an *ex-officio* member, may resign by writing under his signature, addressing to the Chancellor. The person shall cease to be a member upon his resignation being accepted by the Chancellor.

(2) If a person nominated, appointed or co-opted to any authority or body remains absent without prior permission of the authority or body for three consecutive meetings; he shall be deemed to have vacated his membership and shall cease to be a member.

Indemnity. 39. No suit shall be instituted against or other legal proceedings shall lie against or no damages shall be claimed from, the University, the authority or officer of the University, in respect of anything which is in good faith done or purported to have been done in pursuance of this Act or the regulations.

Officers, members of authorities, bodies and employees of University to be public servant. 40. All officers, members of the authorities, committees or bodies, members of the academic staff of the University and other employees of the University, shall be deemed, when acting or purporting to act in pursuance of any of the provision of this Act, to be public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Power of State Government to make rules. 41. (1) The State Government may, by notification in the *Official Gazette*, make rules generally for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :-

- (i) the pay, allowances, emoluments and other terms and conditions of service of the Vice-Chancellor under sub-section (3) of section 13;
- (ii) to lay down a standard code for recruitment and conditions of service of academic and non-academic staff of the University under sub-section (3) of section 35;
- (iii) such other post for which standing committee of the University shall make selection under sub-section (1) of section 37;
- (iv) the terms and conditions, the tenure of service and salary, allowances, perks and other facilities of the members of the standing committee under sub-section (5) of section 37;

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to

such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

42. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for removing the difficulty: Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be after it is made, before the State Legislature.

CHAPTER IX TRANSITORY PROVISIONS

43. Notwithstanding anything contained in this Act, the first Vice-Chancellor shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding two years and on such terms and conditions as the State Government thinks fit. Appointment of first Vice-Chancellor.

44. Notwithstanding anything contained in section 16, the first Registrar shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding two years and on such terms and conditions as the State Government thinks fit. Appointment of first Registrar.

45. (1) It shall be the duty of the first Vice-Chancellor- Transitory powers of first Vice-Chancellor.

(a) to give recognition to institutions, if any, as far as possible consistent with the provisions of the Act; and

(b) to make arrangements for constituting the General Council, the Executive Council, the Academic Council and other authorities of the University within six months after the date of his appointment or such longer period not exceeding one year as the State Government may, by notification in the *Official Gazette*, direct.

(2) The first Vice-Chancellor shall, with the assistance of the Advisory Committee consisting of not more than fifteen members nominated by the State Government for the purposes of this section, -

(a) subject to the provisions of this Act, -

- (i) make provisional Statutes necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the transaction of their business,
 - (ii) draw up any rules, that may be necessary for regulating the method of constitution of the aforesaid authorities,
 - (b) frame the first Statutes, Ordinances and Regulations under this Act and submit them for confirmation to the respective authorities when they commence to exercise their functions.
- (3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the State Government may, by notification in the *Official Gazette*, direct.
- (4) The Statutes, Ordinances and Regulations framed by the first Vice-Chancellor shall, when confirmed by the respective authorities, be published in the *Official Gazette*.

Extra ordinary powers of first Vice-Chancellor. 46. The first Vice-Chancellor appointed under section 43 shall have the following powers until the Executive Council commences to exercise its functions -

- (a) with the previous approval of the Chancellor, to make additional Statutes to provide for any matter not provided for by the first Statutes;
- (b) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University;
- (c) subject to the control of the State Government, to make such financial arrangements as may be necessary to enable this Act, or any part thereof, to be brought into force;
- (d) with the sanction of the Chancellor, to make for a period not exceeding three years, such appointments as may be necessary to enable this Act or any part thereof, to be brought into force;
- (e) to appoint any committee as he may think fit, to discharge such of its functions as he may direct; and
- (f) generally to exercise all or any of the powers conferred on the Executive Council by or under the provisions of this Act.

47. (1) At any time after the commencement of this Act, until such time as the authorities of the University shall commence to exercise their functions, - **First appointment of officers of University.**

(a) the Vice-Chancellor with the previous sanction of the State Government may appoint any officer of the University;

(b) till the Executive Council is constituted, the teachers of the University may be appointed by the Advisory Committee referred to in sub-section (2) of section 45 with the approval of the State Government on the recommendation of the Selection Committee consisting of the following persons, namely :-

(i) the Vice-Chancellor,

(ii) a nominee of the State Government,

(iii) three experts to be appointed out of a panel of experts drawn by the Advisory Committee.

(2) Any appointment made under sub-section (1) shall be for such period not exceeding three years and on such terms and conditions as the appointing authority thinks fit:

Provided that no such appointment shall be made until financial provision has been made therefore.

STATEMENT OF OBJECTS AND REASONS

With a view to provide new structures to programmers of teacher education with the abilities and professionals to serve the highest interest of the contemporary children it is aimed to develop integrated courses of teacher education that can be pursued by studies of combining subjects of humanities, science, arts, crafts and technology alongwith other related philosophy and psychology of education and pedagogy. It is proposed to establish a University namely the Indian Institute of Teacher Education Gujarat for the purpose. The proposed Institute shall study and undertake research in the works of pioneering educationalists of Gujarat, India as also of other parts of the world who have underlined the need of holistic education so as to derive guidance from the same.

The Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, some of the important provisions of the Bill.

Chapter I.- Clause 1 provides for the short title, extent and commencement of the Act.

Clause 2 provides for certain terms used in the Bill.

Chapter II.- This Chapter contains **Clauses 3 to 9** which relate to establishment and incorporation of the University by the name 'Indian Institute of Teacher Education, Gujarat', its headquarters, territorial jurisdiction, objects, powers and functions of the University.

Chapter III.- This Chapter relates to officers of the University. **Clauses 10 to 16** of this chapter provide for the Chancellor, Vice-Chancellor, the Registrar and the Finance and Accounts Officers of the University. It also provides for the qualifications, conditions of service, powers and functions of the officers of the University.

Chapter IV.- This Chapter relates to authorities of the University. **Clauses 17 to 27** of this chapter provide for the authorities of the University such as General Council, the Executive Council, the Academic Council and the Finance Committee and also provide for the constitution, powers and functions and also provide for disqualifications for being a member of the said authorities of the University.

Chapter V.- This chapter contains **clause 28** which relates to the constitution and function of Research.

Chapter VI.- This Chapter contains **Clauses 29 to 31** which relate to Finance of the University. It provides for the University Fund, Fund of the Sponsored Scheme, annual accounts, audit and annual report of the University.

Chapter VII.- This Chapter contains *Clauses 32 to 34* which relate to the Statutes, Ordinances and Regulations. The Executive Council has been empowered to make Statutes, Ordinances and Regulations of the University.

Chapter VIII.- This Chapter contains *Clauses 35 to 42* relating to following supplementary provisions:-

- (i) *Clause 35* provides that the University shall be required to obtain prior approval of the State Government in certain cases which involve financial implications;
- (ii) *Clause 36* provides for the powers of State Government to give directions in the affairs of the University;
- (iii) *Clause 37* provides for the constitution of the Standing Committee and the search committee for selection for the post of professors, Director General or Assistant Director General or such other post;
- (iv) *Clause 38* provides for the resignation from membership and filling up of casual vacancy;
- (v) *Clause 39* provides for the usual indemnity for the acts done in good faith by the officers and employees of the University;
- (vi) *Clause 40* provides that the officers, members of authorities, and employees of University shall be public servant within the meaning of section 21 of the Indian Penal Code;
- (vii) *Clause 41* empowers the State Government to make rules, by notification in the *Official Gazette*, generally for carrying out the purposes of the Act and particularly for the matters as specified therein;
- (viii) *Clause 42* provides for the powers of the State Government to remove difficulties arising within two years from the date of the commencement of the Act.

Chapter IX.- This Chapter contains *Clauses 43 to 47* relating to following transitory provisions:-

- (i) *Clause 43* provides for the appointment of the first Vice-Chancellor of the University;
- (ii) *Clause 44* provides for the appointment of the first Registrar of the University;
- (iii) *Clause 45* provides for the transitory powers of the first Vice-Chancellor;
- (iv) *Clause 46* provides for the extra ordinary powers of the first Vice-Chancellor;
- (v) *Clause 47* provides for the first appointment of the officers of the University.

RAMANLAL VORA,

FINANCIAL MEMORANDUM

This Bill proposes to create and establishing the Teacher University in the State of Gujarat. The University will work for the work of development in integral personality, wide vision of nationalism and internationalism and to fulfill their role as exemplars, friends, philosophers and guides, as scientists, psychologist, artists and technologists and above all as ideal communicators who can spread uplifting influence by the processes of awakening, inspiration and contagious enthusiasm, also to promote new trends of syntheses.

The University will be provided fund by the State Government. Sub-clause (2) of clause 29 of the Bill provides that the University so incorporated shall be run by the grant from the State Government, Central Government and the agency of the State Government. Accordingly, the University will be provided the fund by the State Government.

The non-recurring expenditure will be approximately Rs. 50 crores (rupees fifty crores) and recurring expenditure will be Rs. 2 crores (two crores per annum) out of the Consolidated Fund of the State for which adequate budgetary provision is made.

This Bill, if enacted and brought into force, would involve the expenditure as aforementioned.

RAMANLAL VORA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects: -

Clause 1.—Sub-clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the remaining provisions of the Act shall come into force.

Clause 4.— This clause empowers the State Government to specify such other place to be the headquarters of the University.

Clause 7.— This clause empowers the Executive Council to prescribe by Statutes, to employ various means for conduct of the research programmes by the University.

Clause 10.— Sub-clause (v) of this clause empowers the Executive Council to declare by Statutes, such other officers to be the officers of the University.

Clause 13.-- Sub-clause (3) of this clause empowers the State Government to prescribe by rules, the pay, allowances, emoluments and other terms and conditions of service of the Vice-Chancellor.

Clause 14.-- Sub-clause (8) of this clause empowers the State Government to prescribe by rules, the other powers to be exercised and the other functions to be performed by the Vice-Chancellor.

Clause 15.- (i) Sub-clause (2) of this clause empowers the Executive Council to prescribe by Statutes, the qualification, salary, emoluments, other perks and allowances, the terms and conditions and the tenure of service of the Registrar;

(ii) sub-clause (10) of this clause empowers the Executive Council to prescribe by Statutes, the other powers and duties of the Registrar.

Clause 16.-- (i) Sub-clause (1) of this clause empowers the Executive Council to prescribe by Statutes, the manner of appointment of the Finance and Accounts Officer and powers and duties of the Finance and Accounts Officer;

(ii) sub-clause (2) of this clause empowers the Executive Council to be prescribe by Statutes, the qualification, salary, emoluments, other perks and allowances, the terms and conditions and the tenure of service of the Finance and Accounts Officer.

Clause 17.-- Sub-clause (v) of this clause empowers the Executive Council to declare by Statutes, such other authorities to be the authorities of the University.

Clause 23.- (i) Sub-clause (2) of this clause empowers the Executive Council to prescribe by Regulations, for awarding and institution of fellowships, travelling fellowships, scholarships, studentships, medals and prizes;

(ii) sub-clause (11) of this clause empowers the Executive Council to prescribe by Regulations, to constitute committees for specific purposes, and members and Chairperson of such committee.

Clause 24.-- Sub-clause (3) of this clause empowers the Executive Council to prescribe by Regulations, the time, place and period of the meetings of the Academic Council and rules of procedure in regard to transaction of its business to be observed at such meetings, including the quorum of the meeting.

Clause 26.-- Sub-clause (4) of this clause empowers the Executive Council to prescribe by Statutes, the date on or before which the annual report of the University shall be submitted to the Executive Council for its consideration.

Clause 28.-- (i) Sub-clause (5) of this clause empowers the Executive Council to prescribe by Regulations, the fee for attending the meeting by the scholars and also facilities for travel, transport and accommodation for each of their visits in discharge of his function;

(ii) sub-clause (11) of this clause empowers the Executive Council to prescribe by Regulations, the salary and allowances payable to the Fellow, in accordance with the scheme of Fellowships of the University Grants Commission.

Clause 29.-- Sub-clause (4) of this clause empowers the Executive Council to prescribe by Statutes, the manner in which the University Fund shall be utilised for the purposes of the University.

Clause 31.-- Sub-clause (5) of this clause empowers the Executive Council to prescribe by Statutes, the date by which the financial estimates for the ensuing year shall be prepared by the Executive Council.

Clauses 32 to 34.-- These clauses empower the Executive Council to make Statutes, Ordinances and Regulations for the matters specified therein and such other matters which by or under this Act.

Clause 35.-- Sub-clause (3) of this clause empowers the State Government to lay down a standard code for recruitment and conditions of service of academic and non-academic staff of the University.

Clause 37.- (i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, such other post for which standing committee of the University shall make selection;

(ii) sub-clause (5) of this clause empowers the State Government to prescribe by rules, the terms and conditions, the tenure of service and salary, allowances, perks and other facilities of the members of the standing committee.

Clause 41.-- This clause empowers the State Government to make rules, by notification in the *Official Gazette*, generally for carrying out the purposes of the Act and particularly for the matters as specified therein.

Clause 45.-- (i) Para (b) of sub-clause (1) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, such longer period, not exceeding one year, for constituting the General Council, the Executive Council, the Academic Council and other authorities of the University by the first Vice-Chancellor;

(ii) sub-clause (3) of this clause empowers the State Government to direct, by notification in the *Official Gazette*, the date or dates on which the authorities constituted by the First Vice-Chancellor shall commence to exercise their functions.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Gandhinagar,
Dated the 20th February, 2010.

RAMANLAL VORA,

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 20th February, 2010.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.



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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART - V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE BOMBAY LAND REVENUE (GUJARAT AMENDMENT) BILL, 2010.

GUJARAT BILL NO. 5 OF 2010.

A BILL

further to amend the Bombay Land Revenue Code, 1879.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows:-

1. This Act may be called the Bombay Land Revenue (Gujarat Amendment) Act, 2010. Short title and commencement.
- (2) This section shall come into force at once; and all or any of the remaining provisions of this Act shall come into force in such different areas of the State on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 3 of Bom. V of 1879. 2. In the Bombay Land Revenue Code, 1879 (hereinafter referred to as "the principal Act"), in section 3, after clause (27A), the following new clauses shall be added, namely :- Bom. V of 1879.

"(28) "designated officer" means any revenue officer appointed by the State Government from time to time for carrying out the functions as specified in Chapter X-A;

(29) "prescribed" means prescribed by rules made under this Act."

Substitution of section 135B of Bom. V of 1879. 3. In the principal Act, for section 135B, the following section shall be substituted, namely :-

Record of rights. "135B. A record of rights shall be maintained in the format, either manually or electronically or in both formats, as may be prescribed for the village or City Survey Area and shall include the following particulars :-

- (a) the names of all persons other than tenants who are holders, occupants, owners or mortgagees of the land or assignees of rent thereof;
- (b) the nature and extent of the respective interests of such persons and the conditions or liabilities if any, attaching thereto;
- (c) the rent or revenue, if any, payable by such person;
- (d) such other particulars as may be prescribed in this behalf.

(2) The said particulars shall be entered in the record of rights with respect to perpetual tenancies, and also with respect to tenancies of any other classes to which the State Government may, by notification in the *Official Gazette*, direct that the provisions of this section shall apply in any local area or generally."

Substitution of section 135C of Bom. V of 1879. 4. In the principal Act, for section 135C, the following section shall be substituted, namely :-

Acquisition of rights to be reported. "135C. Any person acquiring the right on any land by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise any right as holder, occupant, owner, mortgagee, assignee of the rent thereof, shall make a report of such acquisition of such right, either manually or electronically, to the designated officer within the period of three months from the date of such acquisition, and the said designated officer shall at once, give a written acknowledgement of the receipt of such report to the person making it :

Provided that where the person acquiring the right is a minor, or otherwise disqualified, his guardian or other person, having charge of his property, shall make the report to the designated officer :

Provided further that any person acquiring a right by virtue of a registered document shall be exempted from the obligation to report to the designated officer.

Explanation I.- The rights mentioned above include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882.

IV of 1882.

Explanation II.- A person in whose favour a mortgage is discharged or extinguished, or lease determines, acquires a right within the meaning of this section."

5. In the principal Act, for section 135D, the following section shall be substituted, namely :-

Substitution
of section
135D of Bom.
V of 1879.

Register of
mutations and
register of
disputed cases.

"135D. (1) (a) The designated officer shall enter, manually or electronically by the automated process, in a register of mutations, every report made to him under section 135C or any intimation of acquisition or transfer of any right on land made to him, either manually or electronically under section 135C from the Mamlatdar, or a court of law.

- (b) (i) When a claim or document of rights is produced before the designated officer, he shall, through bio-metric ID or any other mode as may be prescribed, verify the identity and the lawful rights of the transferor and the transferee.

(ii) Upon completion of verification, the necessary entries shall be made in the register of mutations in the manner as may be prescribed and the notice of the transaction under section 135D shall be served to the persons interested therein.

(2) Whenever a designated officer makes an entry, either manually or electronically in the register of mutations, he shall at the same time intimate to all persons appearing from the record of rights or register of mutations to be interested in the mutation and to any other person whom he has reason to believe to be interested therein in the manner as may be prescribed.

(3) It shall be the duty of the designated officer to enter the particulars of the objection if any received from any person either manually or electronically, in a register of disputed cases and to give written acknowledgement of the receipt of such objection to the person making it in the same manner.

(4) Orders disposing of objections entered in the register of disputed cases shall be recorded, either manually or electronically, in the register of mutations, after disposing it within the period as may be prescribed for this purpose and the same may be intimated to the concerned person having interest in the said mutation.

(5) Where no objection is raised by any person having interest in the transaction, either manually or electronically, within a period of thirty days, the mutation entry shall be certified electronically through an automated process or manually, as the case may be.

(6) The transfer of entries from the register of mutations to the record of rights shall be effected subject to such rules as may be made by the State Government in this behalf :

Provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified.

(7) In the event, where the automated process of certification of entries has not been initiated, the entries in the register of mutations shall be verified and if found correct or after correction shall be certified in the Mutation Register, within a period as may be prescribed, by a Revenue Officer not below the rank of a Deputy Mamlatdar, and the same may be intimated to the concerned person having interest therein.

(8) Where the certifying officer has a reason to believe that such mutation entry violates or contravenes any of the provisions of the Act or any other Act, he shall not certify such entry and shall intimate the same with reasons in writing to the person concerned.

(9) The provisions of this section shall apply in respect of perpetual tenancies and also in respect of any tenancies mentioned in a notification under sub-section (2) of section 135B but the provisions of this section shall not apply in respect of other tenancies, which shall be entered in a register of tenancies, in such manner and under such procedure as may be prescribed.”.

6. In the principal Act, for section 135E, the following section shall be substituted, namely :-

Substitution
of section
135E of Bom.
V of 1879.

- Obligation to furnish information.** "135E. (1) Any person, whose rights, interests or liabilities are required to be, or have been entered in any record of register under this Chapter, shall be bound, on the requisition by any designated officer, engaged in compiling or revising the record of register, to furnish or produce, either manually or electronically, for his inspection, within the period as may be prescribed, all such information or documents needed for the correct compilation or revision thereof, as the case may be, within his knowledge or in his possession or power.
- (2) Any designated officer, to whom any information is furnished, or before whom, any document is produced, either electronically or manually, in accordance with the requisition under sub-section (1), shall at once, give written acknowledgement thereof, in the same manner to the person furnishing or producing the same, and shall endorse, on any such document, a note under his signature stating the fact of its production and the date thereof, where the automated process has not been initiated."
- Amendment of section 135F of Bom. V of 1879.** 7. In the principal Act, in section 135F, for the words "twenty-five", the words "one thousand" shall be substituted.
- Deletion of section 135I of Bom. V of 1879.** 8. In the principal Act, section 135I shall be deleted.
- Amendment of section 135K of Bom. V of 1879.** 9. In the principal Act, in section 135K, for the words "the village accountant, Mahalkari", the words "the designated officer" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Bombay Land Revenue Code, 1879 was enacted to consolidate and amend the law relating to Land Revenue. Pursuant to the State Government's policy of an efficient, effective and transparent governance and putting optimal use of technology using e-governance as a tool, the present Bill proposes to amend provisions of Chapter X-A of the said Code relating to records of rights in the following manner :-

- (i) *Clause 2* of the Bill provides for the definition of the term "designated officer" and "prescribed".
- (ii) *Clause 3* of the Bill substitutes the existing provisions of section 135B. New provisions of section 135B relating to record of rights suitably provide for inclusion of e-format of record of rights to be maintained for the villages as well as city survey areas.
- (iii) *Clause 4* of the Bill substitutes the existing provisions of section 135C to replace Talati with designated officer for intimation of mutation entries and matters connected therewith.
- (iv) Section 135D relating to register of mutations and registration of disputed cases is substituted to provide for registration of entries through e-registration in place of existing manual method of registration of entries to e-registration of entries by the designated officer, wherever applicable. *Clause 5* of the Bill provides accordingly.
- (v) *Clause 6* of the Bill substitutes the existing section 135E and new section 135E makes provisions relating to obligation to furnish information in respect of acquisition of right.

The amendments as aforesaid are proposed with the objective of optimal use of electronic technology to remove human interface with a view to eliminate harassment to citizens in the area of record of rights and other related works relating to revenue.

It is the aim of the State Government to take step forward in the direction of giving final and conclusive title in respect of land after successful implementation of an e-registration of sale documents in the State. This would enable the State Government to serve at the doorstep of the common man and eliminate harassment of running from pillar to post in obtaining land records, etc.

This Bill seeks to amend the Bombay Land Revenue Code, 1879 to achieve the aforesaid objects.

ANANDIBEN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects : -

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, different dates for different areas of the State on which all or any of the remaining provisions of this Act shall come into force.

Clause 3.- (i) Sub-section (1) of section 135B proposed to be substituted by this clause empowers the State Government to prescribe by rules, the format in which, whether manually or electronically or in both, the record of rights shall be maintained;

(ii) clause (d) of sub-section (1) of section 135B empowers the State Government to prescribe by rules, the other particulars to be recorded in the format;

(iii) sub-section (2) of section 135B empowers the State Government to direct, by notification in the *Official Gazette*, for the application of the provisions of this section to any local area or generally.

Clause 5.- (i) Sub-clause (i) of clause (b) of sub-section (1) of section 135D proposed to be substituted by this clause empowers the State Government to prescribe by rules, the other mode by which the designated officer shall verify the identity and lawful rights of the transferor and transferee;

(ii) sub-clause (ii) of clause (b) of sub-section (1) empowers the State Government to prescribe by rules, the manner in which the necessary entries shall be made in the register of mutation and also the manner of serving the notice under section 135D of the transactions to the persons interested;

(iii) sub-section (2) of section 135D empowers the State Government to prescribe by rules, the manner in which the designated officer shall intimate all the persons appearing from the record of rights or register of mutations to be interested in the mutation and to any other person whom he has reason to believe to be interested therein;

(iv) sub-section (4) of section 135D empowers the State Government to prescribe by rules, a period within which the objections shall be disposed off after they entered in the register of disputed cases;

(v) sub-section (6) of section 135D empowers the State Government to prescribe by rules, subject to which the transfer of entries from the register of mutation to the record of rights shall be effected;

(vi) sub-section (7) of section 135D empowers the State Government to prescribe by rules, the period within which the entries in the register of mutation shall be certified after verification and found correct by a revenue officer;

(vii) sub-section (9) of section 135D empowers the State Government to prescribe by rules, the manner in which and the procedure to be adopted for making entries in a register of tenancies in respect of other tenancies.

Clause 6.- Sub-section (1) of section 135E proposed to be substituted by this clause empowers the State Government to prescribe by rules, the period within which a person whose rights, interests or liabilities are required to be or have been entered in any record of register, on requisition of the designated officer, shall furnish or produce either manually or electronically, all such information or documents needed for the correct compilation or revision.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Gandhinagar,
Dated the 23rd February, 2010.

ANANDIBEN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 23th February, 2010.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary
Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill which was introduced on the 4th March, 2010 by Shri Sabirbhai Khedavala M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 6 OF 2010.

THE GUJARAT PREVENTION OF CONTEMPT OF THE PEOPLE (BY PUBLIC SERVANT) BILL, 2010.

A BILL

to provide for the protection of the people from insult and disrespect shown by public servant against them and for assuring dignity of the individual.

It is hereby enacted in the Sixty one year of Republic of India as follows:—

1. (1) This Act may be called the Gujarat Prevention of Contempt of the People (By Public Servant) Act, 2010.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force at once.

Short title,
extent and
commence-
ment.

2. In this Act, unless the context otherwise requires—

Definitions

(1) The words "contempt of the people" denotes an act or an omission by public servant falling under any of the description hereinafter following, namely:-

- (a) wandering or remaining absent from the place of duty in order to avoid work during duty hours.
- (b) reading newspapers, magazines or other books or hearing radio which is not a part of his duty during the duty hours at one's duty place.
- (c) sitting or behaving in disorderly manner at one's place of duty during duty hours.
- (d) not replying properly and politely to any person coming for official work or for inquiry.
- (e) not replying properly and to the point to any written application made by any person.
- (f) insulting or disrespecting any person by using abusive or offensive language.
- (g) asking for or accepting anything from any person which is not necessary for one's duty or job assigned to a public servant.
- (h) furnishing false information to any person.
- (i) omitting to render or furnish assistance to any person.
- (j) disobedience of any law, rule, order or direction issued by the State Government

(2) "public servant" means every person;

- (a) in the service or pay of the State Government or remunerated by fees or commission for the performance of any public duty by the State Government.
- (b) in the service or pay of a local authority or a corporation established under a Central or State Act or a Government company as defined in section 617 of the Companies Act, 1956, excepting 'Judges' as defined in the Indian Penal Code.

1 of 1956
45 of 1960

**Punishment
for Contempt.**

3. Any Public Servant who commits contempt of the people shall be punished with simple imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both:

Provided that the public servant may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the Judge.

Jurisdiction

4. Any person who feels or comes to know that any public servant has committed contempt of the people may apply to the Civil Judge within whose jurisdiction the alleged contempt has been committed with supporting affidavits of himself and of witnesses, if any, and with all or any documentary evidence available with him:

Provided that application referred to in this section may be presented personally or may be sent by post.

5. The Civil Judge will give or send by post receipt of the application within three days to the applicant and issue a show cause notice to the public servant concerned within eight days.

Show Cause
Notice.

6. A public servant who receives a show cause notice from the Civil Judge will send his reply with affidavit of himself and of witnesses, if any, and with all or any documentary evidence available with him for his or her defense within ten days from the receipt of the show cause notice.

Public
Servant to
reply
affidavit.

7. After receiving reply from the public servant if the Civil Judge thinks it necessary to call the applicant and the public servant for personal hearing, he will fix a date for the same and intimate about it to the applicant and the public servant concerned and after hearing the both, pass a necessary order under section 3 or dismiss the application.

Hearing and
Disposal.

8. The order of the Civil Judge shall be final, subject to any modifications alteration or correction made by the High Court in revision either on application of any party or suomoto.

Revision by
High Court.

9. No Court shall have jurisdiction to question the legality of any action taken or any decision given by the Civil Judge under this Act in connection with the contempt of the people by public servant and no suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

Protection for
the acts done
in good faith.

10. Nothing in this act shall be deemed to prohibit or restrict any action for which the public servant is liable under any other law or rules for the time being in force.

No prohibition
for action
under other
law.

11. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make
rules.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall there upon take effect.

STATEMENT OF OBJECTS AND REASONS

The Constitution of India recognises dignity of the individual in the preamble but during these sixty one years of independence, people feel by experience that instead of peoples' rule public servant at many a times are openly disrespecting and insulting common people in the State and behaving many a times in such a way that people at large have been losing confidence in public administration and hence for the protection of the people from insult and disrespect by public servants and for assuring dignity of the individual some easy and quasi judicial summary remedies are necessary.

This Bill seeks to achieve the above objects.

Gandhinagar.

Dated the 15th February, 2010,

SABIRBHAI KHEDAVALA

M.L.A.

**MEMORANDUM REGARDING DELEGATED
LEGISLATION**

Clause 11 of the Bill empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of legislative powers as aforesaid is assential and of normal character.

Gandhinagar.

Dated the 15th February, 2010.

SABIRBHAI KHEDAVALA

M.L.A.

Gandhinagar.

Dated the 4th March, 2010.

D. M. PATEL,

Secretary,

Gujarat Legislative Assembly.

Government Central Press, Gandhinagar.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill which was introduced on the 4th March, 2010 by Shri Sabirbhai Khedavala M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 7 OF 2010.

THE GUJARAT UNEMPLOYMENT ALLOWANCE PAYMENT TO
WORKMEN IN FACTORIES (FOR TEMPORARY PERIOD)
BILL, 2010

A BILL

to require employers to pay unemployment allowance to certain workmen who, due to short working of factories on account of shortage of power, cannot be given employment therein on certain days during a certain temporary period and to provide for matters connected therewith,

WHEREAS it is expedient to take immediate action to require employers to pay unemployment allowance to certain workmen who, due to short working of factories on account of shortage of power, could not be given employment therein on certain days during a temporary period notified either in relation to the whole State or any part thereof and to provide for matters connected there with, and for that purpose.

It is hereby enacted in the Sixty one Year of the Republic of India as follows:-

Short title
extent and
commence
ment.

1. (1) This Act may be called Gujarat Unemployment Allowance Payment to Workmen in Factories (For Temporary Period) Act, 2010
(2) It extends to the whole of the State of Gujarat.
(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context requires otherwise—

(a) "Badli workman" means a workman who is provided with a Badli card and who is employed in place of another workman who is temporarily absent and whose name is borne on the muster roll of the factory;

(b) "factory" means any premises including precincts thereof wherein ten or more workers are working or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, but does not include a factory in respect of which the Central Government is the appropriate Government in relation to industrial disputes concerning it under the Industrial Disputes Act, 1947. 14 of 1947

(c) "Manager" means the person who is for the time being managing the factory, and includes any other officer duly authorised by the employer to act as Manager, such authorisation being notified to the workmen by displaying it on the notice board of the factory;

(d) "permanent workman" means a workman who has been employed on a permanent basis or whose appointment has been confirmed in writing by the Manager or by a person duly authorised in this behalf by the Manager, and includes a workman who has completed a probationary period of three months in the aggregate in the same or another occupation in the factory, and an apprentice who is asked or appointed to work in a post or vacancy of a permanent workman for the purposes of payment of wages to him during the period he works on such post or in such vacancy;

(e) "temporary period" means such period (including its extension) as the State Government may for the whole State or any part thereof, from time to time by notification in the Official Gazette, specify in this behalf;

(f) "temporary workman" means a workman who has been appointed in a factory for a limited period for work which is of an essentially temporary nature or who is employed temporarily as an additional workman in connection with temporary increase in work of a permanent nature.

(g) the expression "workman" and any other words or expressions used in this Act but not defined therein shall have the same meanings respectively assigned to them in the Industrial Disputes Act, 1947, with the modification that the expression "workman" shall include a Badli workman, a temporary workman, and for avoidance of doubt, also a permanent workman. 14 of 1947

3. (1) Where any workman, whose name is borne on the muster roll, or, as the case may be, Badli Register of factory on the first day of the temporary period is not provided, due to short working of factories on account of shortage of power, with employment therein on any days during the temporary period, then notwithstanding anything contained in any law for the time being in force, he shall, subject to the provisions of this Act, be paid by the employer an unemployment allowance at such rate per day and for such number of days in each calendar month during the temporary period, as is provided in sub-section (2) of this section. Payment of unemployment allowance

(2) The rate of unemployment allowance payable shall be equal to 50 per cent of the total of the basic wages and dearness allowance that would have been payable to him had he been provided with employment during the temporary period;

The number of days in each calendar month for which the unemployment allowance shall be paid at the rate aforesaid shall be equal to the average of the total number of days in each month on which a workman has actually worked during a period of one year immediately before the commencement of the temporary period:

Provided that such number of days in each calendar month shall not exceed, the number of days in that month on which he is not provided with employment.

Explanation.—Where the interval between two or more periods is less than one year, then for calculating the period of one year in relation to the last of such temporary periods for the purposes of this sub-section, the temporary period or periods immediately before such last temporary period shall be excluded.

(3) In computing the amount of unemployment allowance, the amount payable shall, where necessary, be rounded off to the nearest rupee, fractions of fifty paise and over being counted as one, and less than fifty paise being disregarded.

(4) Where a workman does not actually work for the full number of hours on any day, then in counting the number of days on which he has actually worked on such days, the number of hours during which a workman has worked on each such day shall be added together to ascertain the number of days.

4. No unemployment allowance shall be paid to any workman—

14 of 1947

(a) if he is entitled to any lay-off compensation under the provisions of the Industrial Disputes Act, 1947;

(b) if he refuses to accept any alternative employment in the same factory in which he has been provided with his usual employment, or in any other factory belonging to the same employer in the same town or village or situated within, a radius of 8 kilometres from the factory to which he belongs, if, in the opinion of the employer, such alternative employment does not call for any special skill or previous experience and can be done by the workmen:

Workmen not entitled to unemployment allowance in certain cases.

Provided that the wages which would normally have been paid to the workmen are offered for the alternative employment also;

(c) if such non-provision for employment on any day is due to any strike or slowing down of production on the part of the workmen in another part of the factory

Recovery of money from employer.

5. (1) Where any money by way of unemployment allowance is due to a workman from an employer under the provisions of this Act, the workman him-self or any other person authorised by him in writing in this behalf, or in; the case of the death of the workman, his assignee or heirs may, without prejudice to any other mode of recovery; make an application to the State Government or one or more officers authorised by it for any area or areas, for the recovery; of money due to him, and subject to the provisions of sub-section (2), if the State Government or the authorised officer is satisfied that any money is so due, it or such authorised officer shall issue a certificate for that amount to the Collector, who shall proceed to recover the same in the same manner as an arrear of land revenue:

Provided that every such application shall be made within one year from the date on which the money became due to the workman from the employer:

Provided further that any such application may be entertained after the expiry of the said, period of one year, if the State Government or the authorised officer is satisfied that the applicant had sufficient cause for not making the application within the said period.

(2) No certificate under sub-section (1) shall be issued unless the employer has been given an opportunity to represent his case as to why he did not pay the unemployment allowance to the workman in accordance with the provisions of section 3, and his representation or any evidence produced by him is duly considered, if necessary, after hearing the employer.

Penalty.

6. Any person who commits a breach of any of the provisions of this Act, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine, or with both, and where the breach is a continuing one, with a further fine which may extend to two hundred rupees for every day during which the breach continues after the conviction for the first time and, the Court trying the offence, if it fines the offender, may direct that the whole or any part of the fine realised from him shall be paid by way of unemployment allowance to any person who in its opinion has been injured by such breach.

7 (1) No Court shall take cognizance of any offence punishable under this Act, or of the abetment of any such offence, save on complaint made by or under the authority of the State Government.

**Cognizance
of offence.**

(2) No Court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

8. (1) Where an offence, under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence; and shall be liable to be proceeded against and punished accordingly:

**Offences by
companies.**

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished deemed accordingly.

Explanation.—for the purposes of this section—

(i) "company" means any body corporate, and includes a firm or other association of individuals and

(ii) "director", in relation to a firm, means a partner in the firm.

9. Notwithstanding the expiry of any temporary period notified under clause savings (e) of section 2, the provision of this Act shall continue to have effect for the purpose of recovery of any money by way of unemployment allowance due, or for the purpose of any penalty incurred on or before the expiry of such period, or for any other purposes connected with, or incidental to, any of the purposes aforesaid.

STATEMENT OF OBJECTS AND REASONS

Due to the announcement of power cuts and dislocation of power supply industrial production is affected resulting in lay-off or reduction of employment in some cases.

Under the provisions of Chapter VA of the Industrial Disputes Act, 1947, lay-off compensation is payable to workmen, who are laid off due to failure, refusal or inability of an employer on account of shortage of coal, power or raw material or the accumulation of stock or the break down of machinery or for any other reason to give employment to a workman whose name is borne on the muster roll of an Industrial establishment. This lay-off compensation, however, is payable to workmen in industrial establishment in which 50 or more workmen are working and industrial establishments which are not of a seasonal character or in which work is not performed only intermittently. Moreover, workmen (including Badli workmen) who have not completed one year of continuous service under an employer are not eligible for lay-off compensation under the said Act. These provisions are applicable in relation to industrial establishments which not only include factories which are working with the aid of power but also to all other establishments.

In order to give relief to workmen who would not otherwise be entitled to any lay-off compensation under Industrial Disputes Act, 1947, it is proposed to provide for payment of unemployment allowance for a temporary period to certain workmen working in factories who could not be given employment therein on any day or days for the reason of power shortage and to provide for matters connected therewith.

This is necessary and justifiable so as to end discrimination between workmen and to provide relief as such unemployment has arisen for no fault of theirs.

Dated the 15th February, 2010

SABIRBHAI KHEDAVALA
M. L. A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (e) of clause 2 of the Bill empowers the State Government to specify from time to time by notification in the Official Gazette, the temporary period (including its extension) for the whole State or any part thereof.

The delegation of the above power is of a normal character

Dated the 15th February, 2010.

SABIRBHAI KHEDAVALA
M. L. A.

FINANCIAL, MEMORANDUM

The Bill provides for payment of compensation by employers to workers in factories employing 10 or more workers, who are not eligible to lay-off compensation under the provisions of The Industrial Disputes Act, 1947, in respect of shortfall, if any, due to power cut in the number of days on which the workers were unemployed during the temporary period, at 50 per cent of the total of the basic wages and D.A. that would have been payable to them during the temporary period, had they been provided with employment. While lay-off compensation to the extent of 45 days in a period of 12 months at the same rate is payable under the Industrial Disputes Act, 1947 to workmen in factories, in which 50 or more workmen employed, who are laid off due to various reasons, power cut being one of them, and who have completed not less than one year of continuous service under the employer, this legislation seeks to compensate workers other than those eligible to lay-off compensation under the Industrial Disputes Act, 1947, as described above and this compensation is limited only in respect of the days by which their monthly employment during this temporary period falls short of their average month employment during the preceding year. Other provisions are incidental or consequential.

Government, as an employer, will have to pay lay-off compensation in pursuance of the provisions of this legislation. However, the amount of lay off compensation to be paid will vary according to the number of days of lay-off, and number of workers laid off. It is difficult to enumerate the exact financial involvement of Government as an employer on account of this legislation.

Dated the 15th February, 2010

SABIRBHAI KHEDAVALA
M. L. A.

Gandhinagar.
Dated the 4th March, 2010.

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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THURSDAY, MARCH 4, 2010/PHALGUNA 13, 1931

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART-V

Bills introduced in the Gujarat Legislative Assembly

The following Bill which was introduced on the 4th March, 2010 by Shri Sabirbhai Khedavala M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 8 OF 2010.

THE GUJARAT EMPLOYMENT GUARANTEE Bill, 2010.

A BILL

to make effective provision for securing the right to work by guaranteeing employment to all persons who volunteer to do skill or unskilled work in the State of Gujarat.

It is hereby enacted in the Sixty one Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Employment Guarantee Act, 2010.

Short title,
extent and
commencement.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force from the 1st of April, 2010,

Definitions 2. In this Act, unless the context otherwise requires,—

(a) "adult person" means a person who has attained the age of eighteen years ;

(b) "the Committee" means the District Employment Guarantee Committee constituted under section 5;

(c) "the Controller" means the Controller of Unemployment appointed under section 6;

(d) "the Council" means the Gujarat State Employment Guarantee Council constituted under section 4;

(e) "implementing agency" includes any department of the State Government, local body or the State Government undertaking which is entrusted by the State Government with the task of implementing any works taken up under the scheme.

(f) "implementing officer" means the officer appointed by the implementing agency in consultation with the Controller to perform any of the powers or the duties of the implementing agency;

(g) "local areas" means the area falling within the jurisdiction of a local body;

(h) "local body" means a municipal corporation, a municipality, a panchayat or a cantonment established under any law for the time being in force;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "scheme" means the Employment Guarantee Scheme prepared and published under section 7 for the time being in force.

Guarantee of employment to adult persons.

3. Every adult person in the State of Gujarat shall have a right to work, that is, a right to get guaranteed employment for doing skilled or unskilled work, as the case may be, and to receive wages therefore in accordance with provisions of this Act and the scheme made thereunder.

Explanation.—A work shall be regarded as unskilled, if any adult person, without any special training, can normally be expected to do it and which, is so classified in the Scheme.

State Council and its functions.

4. (1) For the purposes of having a periodical review and supervision of the implementation of this Act, there shall be a Council to be called the Gujarat State Employment Guarantee Council. The State Government shall appoint the Chairman and other members of the Council. The number of other members of the Council shall not exceed thirtyone, of whom at least, three members shall be appointed from members belonging to the Scheduled Castes, three members from the Scheduled Tribes and three members from women.

(2) The other function of the Council shall be to advise the State Government on all matters concerning this Act and the scheme and their implementation.

(3) The Council shall be competent to undertake an evaluation of the scheme and for this purpose collect or cause to be collected statistics pertaining to the economy of Gujarat in general and the socio-economic conditions of the people, and the implementation of the scheme in particular.

(4) It shall also be competent for the Council to recommend to the State Government the appointment of one or more Study Groups for undertaking a study of specific questions and problems connected with the implementation of this Act and the scheme.

(5) The Council shall co-ordinate the working of the district employment guarantee committees.

5. (1) The State Government shall constitute a District Employment Guarantee Committee in every district. Each Committee shall consist of *ex-officio* and nominated members by the State Government as under :—

Committees
and their
functions.

(A) *Ex-officio members*

- (i) A Commissioner of Municipal Corporation, if any, in the district;
- (ii) Presidents of municipalities in the district;
- (iii) President and Vice-President of the District Panchayat;
- (iv) Presidents of Taluka Panchayats in the district;
- (v) Collector of the district.

(B) *Nominated members*

- (i) Three members to be nominated from persons associated with Small Scale Industries in the district;
- (ii) two members to be nominated who, in the opinion of the State Government are expert in industrial management;
- (iii) two members from the labour leaders;
- (iv) two members from any registered union of the agricultural labourers;
- (v) two members from Adivasis, if the area is predominantly the area of Adivasi;
- (vi) two members from the persons belonging to backward classes;
- (vii) two members from the women.

(2) The term of nominated members shall be of three years.

(3) The Chairman of every such Committee shall be appointed from the non-official members thereof.

(4) This Committee shall, within their respective jurisdiction supervise and review the implementation of the scheme from time to time and shall suggest to the State Government and the Council such steps as in their opinion, are necessary for the more effective implementation of this Act.

(5) The Committee shall co-ordinate the working of the implementing agencies in the district.

Controller of
employment
and his
functions.

6. (1) The Government shall appoint a Controller of Employment for every district.

(2) The Controller shall be responsible for the implementation of the provisions of this Act and for this purpose all other officers of the State Government and the local bodies in the district shall be responsible to the Controller.

Preparation
and publi-
cation of
scheme.

7. (1) For the purpose of giving effect to the Employment Guarantee scheme as mentioned in section 3, the State Government shall prepare and publish scheme for providing employment to all adult persons who volunteer to do skilled or unskilled work, subject to the conditions laid down by or under this Act or in the scheme.

(2) Every Controller shall be asked to prepare blue print of the works to be taken up under the scheme in the district.

(3) The Controller shall place the blue print for approval before the Committee which shall give its approval after taking into consideration the views of the implementing agencies in the district.

(4) The scheme shall be prepared and published in such manner and contain such details as may be prescribed.

Registration,

8. The Controller shall constitute Registering Authorities in the district for registration of names and addresses of unemployed persons who volunteer to work. The places of registration of names shall be within the proximity of 10 Kms. of every person. The registering authorities shall function in such manner as may be prescribed.

Conditions
applicable
for guaran-
teed emp-
loyment to
able bodied
persons.

9. (1) Every unemployed adult person who is residing in any local area within the State and willing to do any skilled or unskilled work may get his name and address registered with an authority constituted under Section 8. The registering authority shall register the name and address of such persons after making such inquiry as it deems fit. The registration shall be for such period as may be fixed by the State Government and may be renewed from time to time. The registering authority, if satisfied, that any person has got himself registered by making a false declaration of his age, may after giving reasonable opportunity to the person concerned of being heard, delete his name from the register.

(2) Where there is no able bodied adult member in a family, a minor member of such family who has attained the age of 15 years shall be deemed to be an adult person for the purposes of this Act and shall be entitled to get registered his name and address with the registering authority and shall be entitled to get work or unemployment allowance in lieu thereof.

Explanation.—For the purpose of this sub-section the expression 'family' means a husband, wife, father, mother, brother, sister, son and daughter residing together.

(3) Every registered person shall be entitled to be provided with employment within fifteen days from the date of registration. The employment to be provided shall be, as far as possible, within the local area in which he resides, and it shall be suitable to him looking to his educational qualifications, experience and physical condition.

(4) If within fifteen days from the date of registration of a person the State Government is unable to provide employment to him, he shall be entitled to receive from the Employment Guarantee Fund an unemployment allowance from the date of expiry of 15 days, at the rate of Rs. 45/- per day. The unemployment allowance shall be paid until any work is provided to him or till he refuses to do any work offered to him.

(5) The unemployment allowance to be paid to an unemployed person duly registered under sub-section (1) or (2) shall be sanctioned and paid by the authority empowered by the State Government in this behalf and for this purpose the State Government may prescribe such procedure as it deems fit.

(6) No person shall be entitled to any unemployment allowance under this Act if he does not accept employment provided to him or does not report for work within 7 days of being asked to do so or continuously remains absent from work without permission of the implementing officer for a continuous period of more than a week or remains absent from work for a total period of one week in any month.

10. (1) The State Government shall fix implementing agencies in every district in such manner as may be prescribed.

Implemen-
tation of the
scheme.

(2) The works sanctioned by the State Government under the scheme, prepared and published in accordance with section 7 for the district shall be distributed by the Controller among different implementing agencies in the district.

(3) Each implementing agency shall appoint implementing officers in consultation with the Controller for carrying out works entrusted to it and for performing such other functions as may be assigned to him by the implementing agency.

(4) The implementing officer shall, from time to time, obtain list of persons from the nearby registering authority for engaging them on the works to be carried out by the implementing agency.

(5) It shall be open for the implementing officer to direct, any unskilled person who volunteers for employment to do any type of manual work and to transfer him from one work to another.

Wages.

11. (1) The wages shall be paid according to the schedule of rates as may be prescribed from time to time.

(2) The rate shall be directly linked with the quality and quantity of work and as far as possible shall be equal to the rates of Wages given to similar workers in other industry or employment.

(3) For unskilled workers the rates shall be so fixed that a person working diligently for eight hours a day would normally get a total wage equal to the minimum wage prescribed, for agricultural labourer in the State, from time to time.

Penalty.

12. Any person,—

(a) who is in employment but gets his name registered under sub-section (1) or (2) of section 9 and draws unemployment allowance under sub-section (4) of that section, or

(b) who is in receipt of unemployment allowance under sub-section (4) of section 9 and accepts employment elsewhere but does not bring this fact to the notice of the registering authority concerned, and continues to draw unemployment allowance, shall on conviction, be punished with fine, upto twice the amount of unemployment allowance drawn in contravention of the provision of this Act.

Establishment of employment guarantee fund.

13. (1) On the date of commencement of this Act, the State Government shall constitute Fund to be called the Employment Guarantee Fund.

(2) There shall be credited in the Employment Guarantee Fund constituted under sub-section (1),—

(a) the entire amount of tax on professions, trades, callings and employments received during the previous financial year ;

(b) any contributions or grants made by the State Government, Central Government or any local body ;

(c) any sums received from other bodies or individuals whether incorporated or not.

(3) The amount standing to the credit of the Fund shall be expended in such manner and subject to such condition as may be prescribed for the purpose of implementing the scheme.

Delegation of powers.

14. The State Government may, by notification in the *Official Gazette*, direct that the powers exercisable by it under this Act except the power to make the scheme and the rules, shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercisable also by such, officer or officers subordinate to it as may be, specified in the notification.

15. (1) No suit, prosecution or other legal proceeding shall lie against the State Government or any authority or officer or body or person for anything which is in good faith done or omitted to be done in pursuance of this Act or the scheme or the rules made thereunder.

Protection
of action
taken in
good faith.

16. (1) The State Government may, by notification, in the *Official Gazette*, make rules to carry out all or any of the purposes of this Act.

Power to
make
rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.

(3) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

STATEMENT OF OBJECTS AND REASONS

The Government of West Bengal and Kerala have enacted legislations entitling unemployed persons to get unemployment allowance. The Government of Maharashtra has also taken steps in this direction. Even countries like U.S.A. and Britain have made provisions for giving unemployment allowance to unemployed persons. In socialist countries, the right to work has been recognised as one of the Fundamental Rights. In our Constitution, under Article 41 it has been *inter alia*, directed to make effective provision for securing the right to work in cases of unemployment. In the preamble of the Constitution also the word "Socialist" has been given place. Even Sixty one years after Independence the army of unemployed skilled and unskilled persons is over increasing. This situation spreads unrest in the minds of unemployed person like fire, and also mars the development of a person.

It is now high time that in the interest of social justice, the Government should take some positive and effective steps immediately to end this monstrous situation of unemployment. It is the need of the hour that no person should remain without food at the end of the day. No ornamental schemes are going to pacify the hungry person.

The demand of the hour is "Give employment to all adult persons or if unable to give employment, give unemployment allowance". Hence this Bill.

Dated the 15th February, 2010.

SABIRBHAI KHEDAVALA,

M. L. A.

FINANCIAL MEMORANDUM

Clause 13.—Sub-clause (1) provides for establishment and maintenance of Employment Guarantee Fund.

Sub-clause (2) provides for payment of an amount from the tax on professions, trades, callings and employments received during the previous financial year and any contribution or grants made by the State Government in the Employment Guarantee Fund.

These provisions involve expenditure from the Consolidated Fund of the State. As the exact involvement of the expenditure to be incurred by the State Government is difficult to assess, an estimate of recurring or non-recurring expenditure is not possible.

Dated the 15th February, 2010

SABIRBHAI KHEDAVALA

M. L. A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of powers of legislative nature in the following respects, namely :—

Clause 4.—Sub-clause (1) of this clause empowers the State Government to appoint Chairman and members of the State Employment Guarantee Council.

Clause 5.—Sub-clause (1) of this clause empowers the State Government to constitute a District Employment Guarantee Committee in every District.

Clause 6.—Sub-clause (1) of this clause empowers the State Government to appoint a Controller of Employment.

Clause 7.—(i) Sub-clause (1) of this clause empowers the State Government to prepare and publish a scheme providing employment to all adult persons;

(ii) Sub-clause (4) of this clause empowers the State Government to prescribe the manner in which the scheme shall be prepared ;

Clause 8.—This clause empowers the State Government to prescribe the manners in which the Registering Authority shall function.

Sub-clause (5) of clause 9 empowers the State Government to prescribe the authority and the procedure for sanctioning and payment of unemployment allowance.

Clause 10.—Sub-clause (1) of this clause empowers the State Government to fix the implementing agencies and to prescribe the manner in which such agencies shall be fixed.

Clause 11.—Sub-clause (1) of this clause empowers the State Government to prescribe the rates of wages.

Clause 13.—Sub-clause (3) empowers the State Government to prescribe the manners and conditions in which the amount standing to the credit of the fund shall be expended.

Clause 14.—This clause empowers the State Government to delegate its powers to the officers subordinate to it.

Clause 16.—This clause empowers the State Government to make rules to carry out the purposes of the Act.

The delegation of power as aforesaid is necessary and of normal character.

Dated the 15th February, 2010

SABIRBHAI KHEDAVALA

M. L. A.

Gandhinagar.

Dated the 4th March, 2010.

D. M. PATEL,

Secretary,

Gujarat Legislative Assembly.

Government Central Press, Gandhinagar.



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The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT (SUPPLEMENTARY) APPROPRIATION BILL, 2010.

GUJARAT BILL NO. 9 OF 2010.

A BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2010.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows :-

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 2010.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of four thousand nine hundred seventeen crores, thirty-one lakhs, twenty-three thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2010, in respect of the services and purposes specified in column 2 of the Schedule.

Short title.

Issue of
Rs. 49173123000
from and out of
the Consolidated
Fund of the State
of Gujarat for
the financial year
2009-2010.

Appropriation. 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE
(See sections 2 and 3)

Demand No. of Vote/ Appro- priation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
			Rs.	Rs.	Rs.
1	Agriculture and Co-operation Department	Revenue	10678000		10678000
2	Agriculture	Revenue	1632291000	91000	1632382000
3	Minor Irrigation, Soil Conservation	Revenue	41653000		41653000
4	Animal Husbandry and Dairy Development	Revenue	161343000		161343000
5	Co-operation	Revenue	37095000		37095000
6	Fisheries	Revenue	1000		1000
8	Education Department	Revenue	8890000		8890000
9	Education	Revenue	18300708000	11200000	18311908000
		Capital	428800000		428800000
10	Other expenditure pertaining to Education Department	Revenue	4640000		4640000
		Capital	48960000		48960000
11	Energy and Petrochemicals Department	Revenue	11063000		11063000
12	Tax Collection Charges (Energy and Petrochemicals Department)	Revenue	9685000		9685000
13	Energy Projects	Revenue	641600000		641600000
		Capital	500000000		500000000
14	Other expenditure pertaining to Energy and Petrochemicals Department	Capital	284296000		284296000
15	Finance Department	Revenue	24098000		24098000
16	Tax Collection Charges (Finance Department)	Revenue	66620000	700000	67320000
17	Treasury and Accounts Administration	Revenue	100290000		100290000
18	Pension and other Retirement Benefits	Revenue	5281309000	9623000	5290932000
20	Repayment of debt pertaining to Finance Department and its Servicing	Revenue	0	563181000	563181000
21	Food, Civil Supply and Consumers Affairs Department	Revenue	41227000		41227000
23	Food	Revenue	448679000		448679000
	Capital outlay on Food Storage and Warehousing	Capital	50000		50000
25	Forests and Environment Department	Revenue	11212000		11212000
26	Forests	Revenue	123153000	321000	123474000
	Capital outlay on Forestry and Wild Life	Capital	10400000		10400000
29	Governor	Revenue	0	6315000	6315000
30	Council of Ministers	Revenue	2700000		2700000
31	Elections	Revenue	15668000		15668000
32	Public Service Commission	Revenue	16595000	8620000	25215000
33	General Administration Department	Revenue	81334000		81334000
34	Economic Advice and Statistics	Revenue	12615000		12615000
35	Other expenditure pertaining to General Administration Department	Revenue	105221000		105221000
36	State Legislature	Revenue	1000		1000
38	Health and Family Welfare Department	Revenue	15749000		15749000
39	Medical and Public Health	Revenue	1200745000	17000	1200762000
		Capital	1500000000		1500000000

Demand No. of Vote/ Appro- priation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
40	Family Welfare	Revenue	1561661000		1561661000
41	Other expenditure pertaining to Health and Family Welfare Department	Revenue	450000		450000
42	Home Department	Revenue	3720000		3720000
43	Police	Revenue	1261692000	370000	1262062000
44	Jail	Revenue	97249000		97249000
45	State Excise	Revenue	15515000	91000	15606000
46	Other expenditure pertaining to Home Department	Revenue	128671000	1000000	129671000
		Capital	580000000		580000000
47	Industries and Mines Department	Revenue	15125000		15125000
48	Stationery and Printing	Revenue	19408000		19408000
49	Industries	Revenue	582472000		582472000
50	Mines and Minerals	Revenue	3785000		3785000
51	Tourism	Revenue	425000		425000
52	Other expenditure pertaining to Industries and Mines Department	Revenue	0	5989000	5989000
53	Information and Broadcasting Department	Revenue	825000		825000
54	Information and Publicity	Revenue	39270000		39270000
55	Other expenditure pertaining to Information and Broadcasting Department	Revenue	33450000		33450000
56	Labour and Employment Department	Revenue	1500000		1500000
57	Labour and Employment	Revenue	110261000		110261000
59	Legal Department	Revenue	8281000		8281000
60	Administration of Justice	Revenue	0	108042000	108042000
61	Other expenditure pertaining to Legal Department	Revenue	20833000		20833000
		Capital	1000000		1000000
62	Legislative and Parliamentary Affairs Department	Revenue	5527000		5527000
63	Other Expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	200000		200000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	4972000		4972000
66	Irrigation and Soil Conservation	Revenue	134800000	2616000	137416000
		Capital	0	47288000	47288000
67	Water Supply	Capital	1000		1000
68	Other expenditure pertaining to Narmada Water Resources, Water Supply and Kalpsar Department	Revenue	0	102833000	102833000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	11827000		11827000
70	Community Development	Revenue	118574000		118574000
71	Rural Housing and Rural Development	Revenue	2265249000	1066000	2266315000
72	Compensation and Assignments	Revenue	128845000		128845000
73	Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	155365000		155365000
74	Transport	Revenue	1513083000		1513083000
75	Other expenditure pertaining to Ports and Fisheries Department	Revenue	138390000		138390000
		Capital	320000		320000
76	Revenue Department	Revenue	17131000		17131000

Demand No. of Vote/ Appro- priation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
77	Tax Collection Charges (Revenue Department)	Revenue	0	41000	41000
78	District Administration	Revenue	236774000		236774000
80	Dangs District	Revenue	23928000		23928000
81	Compensation and Assignments	Revenue	2850000	32000	2882000
82	Other expenditure pertaining to Revenue Department	Capital	1950000		1950000
83	Roads and Buildings Department	Revenue	13320000		13320000
84	Non-Residential Buildings	Revenue	791694000	430000	792124000
		Capital	7000		7000
85	Residential Buildings	Revenue	281144000	13000	281157000
		Capital	1000		1000
86	Roads and Bridges	Revenue	2350456000	4295000	2354751000
		Capital	2434750000	8767000	2443517000
87	Gujarat Capital Construction Scheme	Revenue	7315000		7315000
		Capital	2000		2000
88	Other expenditure pertaining to Roads and Buildings Department	Revenue	18675000	29555000	48230000
		Capital	151500000		151500000
89	Science and Technology Department	Revenue	3000000		3000000
90	Other expenditure pertaining to Science and Technology Department	Capital	1000000		1000000
91	Social Justice and Empowerment Department	Revenue	3390000		3390000
92	Social Security and Welfare	Revenue	189043000		189043000
93	Welfare of Scheduled tribes	Revenue	41679000		41679000
		Capital	1825000		1825000
95	Scheduled Castes Sub-Plan	Revenue	52364000		52364000
96	Tribal Area Sub-Plan	Revenue	2142116000	5054000	2147170000
		Capital		1675000	1675000
97	Sports, Youth and Cultural Activities Department	Revenue	6543000		6543000
100	Urban Development and Urban Housing Department	Revenue	9692000		9692000
101	Urban Housing	Revenue	65000	212700000	212765000
102	Urban Development	Revenue	33273000		33273000
103	Compensation, Assignment and Tax Collection Charges	Revenue	24000000		24000000
104	Other expenditure pertaining to Urban Housing Department	Revenue	320000		320000
105	Women and Child Development Department	Revenue	1825000		1825000
106	Other expenditure pertaining to Women and Child Development Department	Revenue	407451000		407451000
	Total :	Revenue	43446136000	1074195000	44520331000
		Capital	4595062000	57730000	4652792000
	Grand Total:		48041198000	1131925000	49173123000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 204 of the Constitution of India read with article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the supplementary expenditure on certain services and purposes in relation to the financial year ending on the thirty-first day of March, 2010.

The amounts are shown below :- Rs.

(a)	Revenue Expenditure	44,52,03,31,000
(b)	Capital Expenditure	4,65,27,92,000
	Total :-	<u>49,17,31,23,000</u>

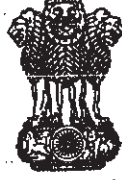
Gandhinagar,
Dated the 8th March, 2010.

VAJUBHAI VALA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 8th March, 2010.

H.D.VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department,



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT VALUE ADDED TAX (AMENDMENT) BILL, 2010.

GUJARAT BILL NO. 10 OF 2010.

A BILL

further to amend the Gujarat Value Added Tax Act, 2003.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Value Added Tax (Amendment) Act, 2010.

Short title and commencement.

(2) It shall come into force on the 1st April, 2010.

2. In the Gujarat Value Added Tax Act, 2003 (hereinafter referred to as "the principal Act"), in section 7, in sub-section (1A), in clause (i), for the figures, letter and word "51A and 87", the figures, letters and word "51A, 76A and 87" shall be substituted.

Amendment of section 7 of Guj. 1 of 2005.

Guj. 1 of 2005.

Amendment of
section 9 of Guj. 1
of 2005.

3. In the principal Act, in section 9, in sub-section (6), in clause (i), for the figures, letter and word "51A and 87", the figures, letters and word "51A, 76A and 87" shall be substituted.

Amendment of
Schedule II to Guj.
1 of 2005.

4. In the principal Act, in Schedule II, after the entry at serial No. 76, the following entry shall be inserted, namely :-

1	2	3
"76A.	Tobacco of all types and tobacco products such as <i>bidi</i> , cigarette, <i>gutkha</i> , <i>pan masala</i> , <i>snuff</i> containing tobacco.	"Seventeen and a half <i>paise</i> in the rupee."

STATEMENT OF OBJECTS AND REASONS

The tobacco and its products are injurious to health. To restrict and reduce the consumption of tobacco and its products is necessary in the interest of the society. Increase in the rate of tax on these products helps in restricting the use of these products to certain extent. In the Budget Speech, made on the 25th February, 2010, it is proposed to increase the rate of tax on tobacco and its products from the present rate of 15 per cent. inclusive of additional tax, to 20 per cent. inclusive of additional tax.

The State Government has, therefore, considered it necessary to amend the Gujarat Value Added Tax Act, 2003 to increase the rate of tax on tobacco and its products accordingly.

Clause 2 of the Bill seeks to amend sub-section (1A) of section 7 so as to provide for levy of additional tax at the rate of 2.5 per cent. on sales of tobacco and its products.

Clause 3 of the Bill seeks to amend sub-section (6) of section 9 to provide for levy of additional tax at the rate of 2.5 per cent. on purchase of tobacco and its products.

Clause 4 of the Bill seeks to insert a new entry 76A in Schedule II of tobacco and its products so as to provide for levy of tax at the rate of 17.5 per cent. on their sales or purchases.

The Bill seeks to amend the said Act to achieve the aforesaid objects.

Gandhinagar,

VAJUBHAI VALA.

Dated the 12th March, 2010.

By order and in the name of the Governor of Gujarat,

Gandhinagar,

Dated the 15th March, 2010.

H.D.VYAS,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE BOMBAY MOTOR VEHICLES TAX (GUJARAT AMENDMENT) BILL, 2010.

GUJARAT BILL NO. 11 OF 2010.

A BILL

further to amend the Bombay Motor Vehicles Tax Act, 1958.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Bombay Motor Vehicles Tax (Gujarat Amendment) Act, 2010.

Short title and
commencement.

(2) It shall come into force on the 1st April, 2010.

Amendment of
section 3 of
Bom. LXV of
1958.

2. In the Bombay Motor Vehicles Tax Act, 1958 (hereinafter referred to as 'the principal Act'), in section 3, after sub-section (1), the following sub-section shall be inserted, namely:-

Bom.LXV of 1958.

“(1A) Notwithstanding anything contained in sub-section (1), a tax in *lump sum*, in respect of a motor vehicle for which *lump sum* tax has been paid and ownership of such motor vehicle is transferred on sale, shall be payable at such rates as may be specified by the State Government by notification in the *Official Gazette*, but not exceeding twenty-five per cent. of the *lump sum* tax paid.

Explanation.- For the purpose of this sub-section, a motor vehicle registered in other State and brought in the State for use permanently, *lump sum* tax shall be the tax which was payable at the time of registration of such motor vehicle in the State, as if it was a new vehicle.”

Amendment of
section 4 of
Bom. LXV of
1958.

3. In the principal Act, in section 4,-

- (1) in sub-section (1AA), in the Table, for the existing entry (b), the following entry shall be substituted, namely:-

	Description of vehicles	Manner of Payment
“(b)”	Designated omnibuses specified in Clauses IVAA and IVAAA in Part I of the First Schedule.	<p>(i) In case of designated omnibuses licensed to carry not more than twelve passengers including maxicab, annually or the <i>lump sum</i> tax specified in the Third Schedule;</p> <p>(ii) Designated omnibuses other than those specified in clause (i) above, annually or in monthly instalments of one-twelfth of the annual rate.”;</p>

- (2) in sub-section (1AB), after clause (b), the following clause shall be inserted, namely :-

“(c) The owner or a person in possession or control of a motor vehicle which falls under the First Schedule and is liable to pay tax under section 3 and has become liable to pay tax under the Second Schedule after the commencement of the Bombay Motor Vehicles Tax (Gujarat Amendment) Act, 2010, shall be liable to pay tax in *lump sum* at such rate as may be notified by the State Government by notification in the *Official Gazette*, but not exceeding the maximum rates specified in the Second Schedule.”

Guj. ... of 2010.

4. In the principal Act, in the First Schedule, in column 1, in Clause III,-

Amendment of
First Schedule
to Bom. LXV of
1958.

(i) in item (d), for the figures and letters "3000 KG", the figure and letters "7500 KG", shall be substituted;

(ii) in item (e), for the figure and letters "3000 KG", the figure and letters "7500 KG" shall be substituted.

5. In the principal Act, in the Second Schedule, in Part I, in Clause III, in column 1, for the figure and letters "3000 KG", the figure and letters "7500 KG", shall be substituted.

Amendment of
Second
Schedule to
Bom. LXV of
1958.

6. In the principal Act, in the Third Schedule, in Part I, Clause II shall be deleted.

Amendment of
Third Schedule
to Bom. LXV
of 1958.

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to amend the Bombay Motor Vehicles Tax Act, 1958 with a view to give effect to the Budget proposals contained in the Budget Speech of the Finance Minister in the Gujarat Legislative Assembly on the 25th February, 2010.

Presently, tax on goods vehicles having gross vehicle weight of 3000 KG to 7500 KG is payable in *lump sum*, annually or half yearly. Such option of paying tax increases hardship and collection cost. The Bill seeks to amend the provisions of the Act, so that the tax on such vehicles shall be payable on *lump sum* basis only.

As per the existing provisions of the Act, the tax on maxicabs *i.e.* designated omnibuses having 6 to 12 passenger carrying capacity can be paid on monthly basis. This increases the work of collection and results in high level of default. In order to overcome these problems, the Bill seeks to amend the Act so that such tax can be levied on annual basis.

As per the existing provisions of the Act, certain category of vehicles pay *lump sum* tax in the State. These vehicles pay tax at the time of registration. Sales and purchases of vehicles registered in the State which have paid *lump sum* tax is increasing. This Bill seeks to amend the said Act to enable levy of tax on such vehicles at the time of change of ownership due to sale of such vehicles. The levy of tax in addition to tax paid at the time of registration will result in additional revenue to the State exchequer.

This Bill seeks to amend the Bombay Motor Vehicles Tax Act, 1958 to achieve the aforesaid objects.

AMIT SHAH,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects:-

Clause 2. — Sub-section (1A) proposed to be inserted in section 3 by this clause empowers the State Government to specify by notification in the *Official Gazette*, the rates of tax in *lump sum* payable by the owner or person in possession or control of the vehicle at the time of transfer of ownership on sale of vehicle but not exceeding twenty-five per cent. of the *lump sum* tax paid.

Clause 3.- Clause (c) proposed to be inserted in sub-section (1AB) of section 4 by sub-clause (2) of this clause empowers the State Government by notification in the *Official Gazette*, to notify the rates at which the owner or the person in possession or control of the vehicle shall be liable to pay the tax in *lump sum*, but not exceeding the maximum rates specified in the Second Schedule.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Gandhinagar,
Dated the 16th March, 2010.

AMIT SHAH.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 16th March, 2010.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary
Affairs Department.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill Which was introduced on the 18th March, 2010 by Shri Arjunbhai Modhawadia (Smt. Vibhavariben Dave) M.L.A. is published under rule 127-A of the Gujarat Legiaslative Assembly Rules for general information.

GUJARAT BILL No. 12 OF 2010.

THE GUJARAT PREVENTION OF ACCIDENTS ON HIGHWAYS BILL 2010

A BILL

*to make provisions for prevention of accidents on highways and for matters
connected therewith*

It is hereby enacted in the Sixty one Year of the Republic of India, as follows:-

1. (1) This Act may be called the Gujarat Prevention of Accidents on Highways Act, 2010.

**Short title and
commencement.**

(2) It shall come into force at once.

Definitions 2. In this Act, unless the context otherwise requires,-

(a) "Special Authority" means the Authority constituted under section-3 of this Act.

(b) "Highway" means, State Highways, National Highways and such other roads as may be classified as such by the State Government.

(c) "Traffic Police" means a section of the Gujarat Police looking after the regulations of Highways Traffic.

(d) The expressions which are used, but not defined shall have the same meaning as being given in the Motor vehicles Act, 1988. **Lix of 1988**

Establishment of Special Authority.

3. (1) The State government shall by notification in the Official gazette establish a special Authority to Supervise and work for the prevention of accidents on highways in the State of Gujarat.

(2) The Special Authority shall consist of the Chairman and such other members not exceeding 14 as may be appointed by the State Government.

Provided that at least two members of the Gujarat Legislative Assembly shall be appointed on the Special Authority.

Tenure of the members of the Special Authority

4. (1) The Chairman and members of the Special Authority shall be appointed for period of 3 years from the date of appointment.

Provided that the members of Gujarat Legislative Assembly shall continue to be members for full term of the Special Authority even though they cease to be members of the Assembly.

Payment of Allowances to the Chairman and other members of the Special Authority

5. The Chairman and members of the Special Authority shall not be entitled to receive any salary but they shall be entitled to receive the allowances for performing their duties as may be determined by Government.

Staff under the special Authority

6. (1) The staff under the Special Authority shall consist of--

(a) Secretary, who shall be appointed by the Government and;

(b) Such other employees as the Special Authority may, with the previous approval of the State Government, appoint from time to time.

(2) The Salary of the Secretary and other employees shall be such as may be prescribed.

(3) The other terms and conditions of the services of the Secretary and other employees shall be such as may be prescribed.

7. The function of the Special Authority shall be;

**Functions of
the special
Authority.**

(a) to supervise the road traffic and to suggest the measures for avoiding accidents on the highways.

(b) to keep record of accidents and to find out the common causes of the accidents and to suggest the remedial measures.

(c) to suggest changes in the existing highway traffic rules.

(d) The State highway police shall implement the suggestions made by the special Authority and shall also carry out the instructions issued by it and will provide necessary assistance to the Authority.

8. (1) The Government may frame the rules by notification in the Official Gazette to carry out the objects of the Act. **Rules.**

(2) The rules made under this Section shall be made before the Legislature of the State at the sessions thereof next following and shall be liable to be modified or rescinded by a resolution passed by the Legislature and such rules after notifying in the Official gazette, be deemed to have been modified or rescinded accordingly.

STATEMENT OF OBJECTS AND REASONS

As present the road Accident on the Highways of Gujarat are increasing at an alarming rate. Every day several accidents occur on the Highways resulting in loss of lives of the people and also making many people invalid by severe and permanent injuries;

The exiting machinery of highway Police which looks after the highway traffic is not sufficient to check the highway accident.

Therefore, a separate Special Authority is proposed to be set up to suggest measures and issue directions to the Highway traffic Police with a view to control and minimise accidents taking places on highways of Gujarat.

Dated the 5th March, 2010.

ARJUNBHAI MODHAWADIYA, M.L.A.

Gandhinagar.

(VIBHAVARIBEN DAVE, M.L.A.)

FINANCIAL MEMORANDUM

Section 5 and 6 of the bill provides for giving salaries and allowances to the Chairman, Members and Staff of the special Authority which may involve expenditure from the consolidated Fund of the State of about Rs. 15 lacs per years.

Dated the 5th March, 2010.

ARJUNBHAI MODHAWADIYA, M.L.A.

Gandhinagar.

(VIBHAVARIBEN DAVE, M.L.A.)

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of Legislative powers in the following respects:-

Clause 3.--This clause empowers the State Government to appoint by notification in the *Official Gazette*, a Special Authority.

Clause 5.--This clause empowers the State Government to determine the allowances to the chairman and Members of the special Authority.

Clause 6.--This clause empowers the State Government to approve the strength and other conditions of services of the Secretary and employees under the Special Authority.

Clause 8.--This clause empowers the State Government to frame the rules to carry out the objects of the Act.

The delegation of Legislative powers are of normal character.

Dated the 5th March, 2010.

ARJUNBHAI MODHAWADIYA, M.L.A.

Gandhinagar.

(VIBHAVARIBEN DAVE, M.L.A.)

Gandhinagar.

D. M. PATEL,

Dated the 18th March, 2010.

Secretary,
Gujarat Legiaslative Assembly.



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 18th March, 2010 by Shri RAKESH SHAH M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 13 OF 2010

THE GUJARAT NON-BIODEGRADABLE GARBAGE (CONTROL) BILL, 2010

A BILL

to prevent throwing or depositing of non-biodegradable Garbage in public drains, roads and place open to public view in the State of Gujarat and for matters connected therewith or incidental thereto.

It is hereby enacted in the Sixty-One Year of the Republic of India as follows:

1. (1) This Act may be called the Gujarat Non-biodegradable Garbage (Control) Act, 2010

Short title, extent and commencement.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires :-

Definition.

(a) "bio-degradable garbage" means the garbage or waste material capable of being destroyed by the action of living beings;

(a) "building" means any shop, out-house, hut, house, shed or stable whether used for the purpose or human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever, and includes a wall and a well;

(c) "house gulley" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as or carrying a drain or affording access to the latrine, urinal, cesspool or other receptacle for filth or other polluted matter, by person employed in the cleaning thereof or in the removal of such matter therefrom,

(d) "local authority" means a Municipal Corporation, a Municipality, a Cantonment Board, a Housing Board, a Slum Clearance Board, an Urban Development Authority, a Notified Area Committee, a District Panchayat, a Taluka Panchayat or a Gram Panchayat constituted, under any law for the time being in force;

(e) "market" includes any place where person assemble for sale or purchase of meat, fish, fruits, vegetables, food or any other articles for use or consumption with or without the consent of the owner of such places notwithstanding that there may be no common regulation for the concourse of the buyer and the sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place or by any other person;

(f) "no-biodegradable garbage" means the waste garbage of material which is non-bio-degradable and includes plastic poly thene, nylon and other plastic goods such as P.V.C. propylene and polystyrene which are not capable of being destroyed by an action of living being and are more specifically included in the Scheduled to this act;

(g) "occupier" includes any person for the time being paying or liable to payment or any portion of rent of the building in respect of which the word is used, or compensation or premium on account of the occupation of such building and also a rent free tenant, but does not include a lodger, and the words occupy and occupation do not refer to the lodger;

(h) "owner" means the person who receives the rent for the use of the land or building or would be entitled to do so if they were let. it also includes-

- (i) an agent or trustee who receives such rent on behalf of the owner;
- (ii) a receiver, executor or administrator of or a manager appointed by any court of competent jurisdiction to have the charge, of or to exercise the right of the owner;
- (iii) an agent or trustee who receives the rent of or is entrusted with or is concerned with any building devoted to religious or charitable purpose; and
- (iv) a mortgage in possession;

(i) "place" means any land or building or part of building and includes the garden, ground and out-houses, if any, pertaining to a building or part of a building;

(j) "place open to public view" includes any private place or building, monument, fence or balcony visible to a person being in, or passing along, any public place;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "Public Analyst " means the person appointed or recognised to be the Government Analyst, in relation to any environmental laboratory established or recognised in the State, under the provisions of the Environment (Protection) Act, 1986;

(m) "Public place" means any place which is open to use and enjoyment of the public whether it is actually used or enjoyed by the public or not and includes a road, street, Market, house-gully or way, whether a throughfare or not, and landing place to which public are granted access or have a right to resort or over which they have a right to pass; and

(n) "State Government" means the Government of the State of Gujarat.

3. (1) No person, by himself or through another shall, knowingly or otherwise throw or cause to be thrown in any drain, ventilation shaft, pipe and fitting, connected with the private or public drainage works any non-biodegradable garbage or any biodegradable garbage in non-biodegradable bag or container likely to-

Prohibition to throw garbage in public drains and sewage.

- (i) injure the drainage and sewage system;
- (ii) interfere with the free flow of effect the treatment and disposal of drain and sewage contents; and
- (iii) be dangerous or cause a nuisance or be prejudicial to public health.

(2) No person, shall, knowingly or otherwise, place or permit to be placed, except in accordance with such procedure and after complying with such safeguards as may be prescribed, any bio-degradable or non-biodegradable garbage in any public place or in a place open to public view, unless-

- (a) the garbage is placed in garbage receptable; or
- (b) the garbage is deposited in a location designated by a local authority having jurisdiction on an area for the disposal of the garbage.

4. It shall be the duty of the local authority or any officer authorised by it, to-

(a) place or provide place in proper and convenient situation public receptable, depots of places for temporary deposit or collection of Non-biodegradable garbage;

Provision for Placement of receptable and places for deposit of non biodegradable garbage.

(b) provide separate dustbins for temporary deposit of non-biodegradable garbage other then those kept and maintained for deposit of biodegradable garbage;

(c) provide for the removal of contents of receptables, deposit and of the accumulation at all places provided or appointed by it under clause (a) of this section; and

(d) arrange for the recycling disposal of the non-biodegradable garbage collected under this Act.

5. It shall be the duty of the owners and occupiers of all lands and buildings-

(a) to collect or to cause to be collected from their respective land and buildings, the non-biodegradable garbage and to deposit, or cause it to be deposited, in public receptables, deposite or places provided for temporary deposit or collection of the non-biodegradable garbage by the local authority in the area;

Duty of owners and occupiers to collect and deposit non biodegradable garbage etc.

(b) To provide separate receptables or dustbins, other than those kept and maintained for deposit of biodegradable garbage, of the type and in the manner prescribed by the local authority of its officers for collection therein of all the non-biodegradable waste from such land and building and to keep such receptables dustbins in good condition and repair.

Power of local authority for removal of non biodegradable garbage.

6. The local athority may, by notice in writing, require the owner or occupier or part-owner, or person, claiming to be the owner, or part owner of may land or building, which has become a place or unauthorised stocking or deposit of non-biodegradable, garbage and is likely to cause a nuisance remove or clause it to be

removed the said garbage so stocked or collected; and if in its opinion, such stocking or collection of non-biodegradable waste is likely to injure the drainage or sewage system or is likely to be dangerous to life and health, it shall forthwith take such steps at the cost of such persons as it may think necessary.

Studies
research and
support
programme.

7. The State Government may :-

- (a) undertake studies to determine the composition of biodegradable or non-biodegradable garbage;
- (b) establish measures to conduct or support research or programme to encourage source reduction, re-use and recycling of waste;
- (c) conduct or support studies to determine the social and economic feasibility of household and other solid waste separation schemes, including studies of the type and amount of recyclable materials in solid wastes;
- (d) encourage local authorities in the State of Gujarat to provide readily accessible solid waste collection depots for residents who are not provided with regular garbage pick up;
- (e) undertake and encourage local authorities and other persons to implement policies to recycle waste materials; to promote energy conservation and to purchase products made from recyclable materials;
- (f) conduct and support research on waste management and recycling including information on recyclables;
- (g) conduct or support research on waste management and recycling, for use in educating the public, local authorities, institutions and industry; and
- (h) impose requirements on manufacturers, distributors and other person who produce or handle commodities with respect to the type, size, packaging, labelling and composition of packing that may or must be used and with respect to the disposal of packaging including standards for material degradability and recyclability.

Penalties.

8. (1) Whoever is guilty of any act or omission in contravention of any of the provisions of this Act, or of any rules, notification or order made, issued or given under this Act, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to rupees five thousand, or with both.

(2) Whoever having been convicted of any offence under this Act is again convicted of an offence under this Act shall be punishable with double the penalty provided for the latter offence

(3) Whoever in any manner aids, abets or is accessory to the commission of an offence under this Act shall on conviction be punished with imprisonment prescribed for the offence.

9. (1) If The person committing any offence punishable under this Act is a company, every person, at the time of the commission of the offence, was incharge of and responsible to the company for the conduct of the business or

guilty of the offence shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

(2) Notwithstanding anything contained in sub-section (1) Where an offence under this Act has been committed by a Company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any gross negligence on the part of any Director, Manager, Secretary, or other officer of the Company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this Section—

(a) "Company" means any body corporate and includes a firm or other association of individuals; and

(b) "Director" in relation to a firm means a partner in the firm.

10. All offences under this Act shall be tried in a Summary way by a Judicial Magistrate of the First Class and the provisions of Section 262 to 265 (both inclusive) of the Code of Criminal Procedure 1973, shall as far as may be, apply to such trials. **Offence to be tried summarily.**

11. (1) Any offences punishable under this Act may, before the institution of the prosecution, be compounded by such officer as may be authorised by the State Government in this behalf on payment for credit to the State Government of such sum as such officer may specify. **Compounding of offences.**

(2) Where any offence has been compounded under sub-section (1), no proceeding shall be taken against the offender, and the offender if in custody, shall be discharged.

12. The local authority shall carry out such directions as may be issued to it from time, by the State Government for the efficient administration of this Act. **Direction by State Government.**

13. (1) Where it is expedient to do so, the State Government may, in the public interest and in consultation with the public Analyst, by notification in the *Official Gazette*, add to or omit from the Schedule any item of non-biodegradable waste and thereafter the Schedule shall be deemed to have been amended accordingly. **Power to amend Schedule.**

(2) Every notification under Sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

14. The State Government may, by notification published in the *Official Gazette*, direct that any power exercisable by it under Act (Not including the power to make rules under section 17) may also be exercised, in such cases as may be specified in the order, by such officer or authority as may be specified therein. **Power to delegate.**

15. No suit, prosecution or other legal proceedings shall lie against the State Government or the local authority or any officers or other employees of the State Government or the local authority or any other person authorised by the State Government for anything which is in good faith done or intended to be done under this **Protection of action taken in good faith.**

Other laws
not affected.

Act or the rules made thereunder.

Power to
make rules.

16. The provisions of this Act are in addition to, and not in derogation of the provisions of any other law for the time being in force.

17. (1) The State Government may subject to the condition of previous publication in the *Official Gazette* make rules for the purpose of carrying out the provisions of this Act.

(2) All rules made under this section shall be laid before the State Legislature for thirty days as soon as after they are made and shall be subject to such modifications or recessions as the State Government may make during the session in which they are so laid or the session immediately following.

(3) Any modifications or recession so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect accordingly.

Power to
remove
difficulties.

18. If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.

SCHEDULE

See Section 2 (f)

NON BIODEGRADABLE GARBAGE

1. Polythylene
2. Nylone
3. P. V. C.
4. Poly-propylene
5. Poly-styrene.

STATEMENT OF OBJECTS AND REASONS

At present, the use of Plastic goods is pervading for the industrial and packaging purposes at large in the State. This results in huge waste garbage or material which is non-biodegradable which is not capable of being destroyed by an action of living being. The cows, cattle and other animals, in search of eatables such plastic bags and chemicalised waste, which is very injurious even to the health of these animals. The animals eating those non-biodegradable garbage suffer from various diseases and ultimately it results into death of these innocent animals. Such non-biodegradable garbage is injurious and harmful to the environment, human being and the animal being also. Therefore, it is necessary to have effective control for the disposal of the non-biodegradable garbage in the State by Act of the State Legislature.

Hence, this Bill.

Gandhinagar.

Dated : 10th March, 2010.

RAKESH SHAH

M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The bill involves delegations of legislative powers in the following respects, namely :-

Clause 12. — This clause empowers the State Government to issue the directions to the local authorities from time to time for the efficient administration of this Act.

Clause 13. — This clause empowers the State Government to amend the Schedule by publishing a notification in the *Official Gazette*.

Clause 14.— This clause empowers the State Government to specify such officer or authority to exercisable by it under this Act (excluding the power to make rules).

Clause 17. — This clause empowers the State Government to make rules for the purposes of carrying out provisions of this Act.

Clause 18. — This clause empowers the State Government to do anything by an order anything not inconsistent with such provisions which appears to it to be necessary for the purpose of removing the difficulty, if any difficulty arises in giving effect to the provision of the Act.

The delegation of the Legislative powers as aforesaid is necessary and is of normal character.

Gandhinagar.

Dated : 10th March, 2010.

RAKESH SHAH

M.L.A.

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for undertaking studies, research and support programme by the State Government in regard to the non-biodegradable garbages, This bill if enacted and brought into operation would not incur expenditure from the Consolidated Fund of the State, as it is presumed and expected that such studies, research and support programmes will be undertaken or conducted by the existing Government personnel and machineries and therefore no additional expenditure will be incurred from the Consolidated Fund of the State.

Gandhinagar.

Dated : 10th March, 2010.

RAKESH SHAH

M.L.A.

Gandhinagar.

Dated : 18th March, 2010.

D.M.PATEL,

Secretary,

Gujarat Legislative Assembly.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS (GUJARAT AMENDMENT) BILL, 2010.

GUJARAT BILL NO. 14 OF 2010.

A BILL

*further to amend the Bombay Provincial Municipal Corporations Act,
1949.*

It is hereby enacted in the Sixty-first Year of the Republic of India as follows :-

1. (1) This Act may be called the Bombay Provincial Municipal Corporations (Gujarat Amendment) Act, 2010.

Short title and
commencement.

(2) It shall be deemed to have come into force from the 1st January, 2009.

Bom. LIX of 1949.

2. In the Bombay Provincial Municipal Corporations Act, 1949, in section 458, in clause (36), after the words "proper behaviour of persons in them", the words "and the levy of fees therein" shall be added at the end.

Amendment of
section 458 of Bom.
LIX of 1949.

STATEMENT OF OBJECTS AND REASONS

The Ahmedabad Municipal Corporation has developed Kankaria Lake under the Kankaria Lake Front Development Project. The Kankaria Lake Front which is developed by the Ahmedabad Municipal Corporation is one of the best of its kind in the whole country. The Ahmedabad Municipal Corporation has incurred huge expense towards the development of this project from its fund. This apart, in order to regulate, preserve, maintain and more particularly from the view point of the security, the Ahmedabad Municipal Corporation has been incurring huge recurring expense. To meet with the said expense, the Ahmedabad Municipal Corporation has prescribed fees for the entry into the Kankaria Lake Front. And for this purpose, bye-laws of the said Corporation were amended with effect from 1st January, 2009. A doubt has been raised as to whether bye-laws framed under the Act enable the Corporations to levy fee while prescribing manner in which such a place can be used by the public. For the removal of doubts and any misunderstanding and for leaving no room for stretched interpretation and argument in this regard, it is considered necessary, and to enable the Ahmedabad Municipal Corporation to charge fees from the visiting public to such a well developed and well maintained place, to amend the Bombay Provincial Municipal Corporations Act, 1949 with retrospective effect by making very explicit provision for removal of any doubt.

This Bill proposes to amend clause (36) of section 458 of the said Act to achieve the aforesaid object.

Gandhinagar,
Dated the 23rd March, 2010.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 23rd March, 2010.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary
Affairs Department.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT APPROPRIATION BILL, 2010.

GUJARAT BILL NO. 15 OF 2010.

A BILL

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2011.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation Act, 2010.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of sixty-nine thousand five hundred sixty-four crores, sixty-two lakhs, fifty-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2010-11 in respect of the services and purposes specified in column 2 of the Schedule.

Withdrawal of
Rs. 6,95,64,62,57,000
from and out of the
Consolidated Fund of the
State of Gujarat for the
financial year 2010-2011.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

SCHEDULE
(See sections 2 and 3)

Demand No. Voted/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
			Rs.	Rs.	Rs.
1	Agriculture and Co-operation Department	Revenue	155748000	0	155748000
2	Agriculture	Revenue	12775373000	0	12775373000
		Capital	5000000	0	5000000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	2432939000	0	2432939000
		Capital	10000	0	10000
4	Animal Husbandry	Revenue	1728950000	0	1728950000
5	Co-operation	Revenue	1361006000	0	1361006000
		Capital	4200000	0	4200000
6	Fisheries	Revenue	669206000	0	669206000
		Capital	222250000	0	222250000
7	Other Expenditure pertaining to Agriculture and Co-operation Department	Capital	11000000	0	11000000
8	Education Department	Revenue	74785000	0	74785000
9	Education	Revenue	91151186000	1699500000	92850686000
		Capital	2981598000	0	2981598000
10	Other Expenditure pertaining to Education Department	Revenue	15083000	0	15083000
		Capital	366515000	0	366515000
11	Energy and Petro-Chemicals Department	Revenue	36976000	0	36976000
12	Tax Collection Charges (Energy and Petro-Chemicals Department)	Revenue	135635000	0	135635000
13	Energy Projects	Revenue	27888900000	0	27888900000
		Capital	5382599000	0	5382599000
14	Other Expenditure pertaining to Energy and Petro-Chemicals Department	Revenue	4500000	0	4500000
		Capital	3001300000	0	3001300000
15	Finance Department	Revenue	134335000	0	134335000
16	Tax Collection Charges (Finance Department)	Revenue	1520061000	0	1520061000
17	Treasury and Accounts Administration	Revenue	875164000	0	875164000
18	Pension and Other Retirement Benefits	Revenue	34851320000	6000000	34857320000
19	Other Expenditure pertaining to Finance Department	Revenue	15897113000	0	15897113000
		Capital	16000000	100000	16100000
20	Repayment of debt pertaining to Finance Department and its Servicing	Revenue	0	94468725000	94468725000
		Capital	0	38375615000	38375615000
21	Food, Civil Supplies and Consumer Affairs Department	Revenue	211587000	0	211587000

Demand No. Voted/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
			Rs.	Rs.	Rs.
22	Civil Supplies	Revenue	2240436000	0	2240436000
23	Food	Revenue	820164000	0	820164000
		Capital	72200000	0	72200000
24	Other Expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	1100000	0	1100000
25	Forest and Environment Department	Revenue	43398000	0	43398000
26	Forest	Revenue	2296730000	1050000	2297780000
		Capital	1892313000	0	1892313000
27	Environment	Revenue	98500000	0	98500000
28	Other expenditure pertaining to Forest and Environment Department	Capital	6300000	0	6300000
29	Governor	Revenue	0	38971000	38971000
30	Council of Ministers	Revenue	21950000	0	21950000
31	Election	Revenue	363723000	0	363723000
32	Public Service Commission	Revenue	51000000	68000000	119000000
33	General Administration Department	Revenue	591933000	0	591933000
34	Economic Advice and Statistics	Revenue	639943000	0	639943000
35	Other Expenditure pertaining to General Administration Department	Revenue	4163167000	6575000	4169742000
		Capital	22710000	0	22710000
36	State Legislature	Revenue	192400000	2080000	194480000
37	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital	3407000	0	3407000
38	Health and Family Welfare Department	Revenue	123770000	0	123770000
39	Medical and Public Health	Revenue	16662811000	0	16662811000
		Capital	4735739000	0	4735739000
40	Family Welfare	Revenue	3694912000	0	3694912000
		Capital	25000000	0	25000000
41	Other Expenditure pertaining to Health and Family Welfare Department	Revenue	2244000	0	2244000
		Capital	17000000	0	17000000
42	Home Department	Revenue	485770000	0	485770000
43	Police	Revenue	18561089000	5000000	18566089000
44	Jails	Revenue	458396000	0	458396000
45	State Excise	Revenue	99820000	0	99820000
46	Other Expenditure pertaining to Home Department	Revenue	413878000	1300000	415178000
		Capital	2123284000	0	2123284000
47	Industries and Mines Department	Revenue	124340000	0	124340000
48	Stationery and Printing	Revenue	563377000	0	563377000
49	Industries	Revenue	8499788000	0	8499788000
		Capital	550400000	0	550400000
50	Mines and Minerals	Revenue	865725000	0	865725000
		Capital	35000000	0	35000000

Demand No. Voted/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
			Rs.	Rs.	Rs.
51	Tourism	Revenue	1831930000	0	1831930000
		Capital	250000000	0	250000000
52	Other Expenditure pertaining to Industries and Mines Department	Revenue	199550000	0	199550000
		Capital	210000000	0	210000000
53	Information and Broadcasting Department	Revenue	17881000	0	17881000
54	Information and Publicity	Revenue	727795000	0	727795000
55	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	44194000	0	44194000
		Capital	5300000	0	5300000
56	Labour and Employment Department	Revenue	77288000	0	77288000
57	Labour and Employment	Revenue	2666306000	0	2666306000
58	Other Expenditure pertaining to Labour and Employment Department	Capital	5555000	0	5555000
59	Legal Department	Revenue	88784000	0	88784000
60	Administration of Justice	Revenue	4978690000	637017000	5615707000
61	Other Expenditure pertaining to Legal Department	Revenue	809024000	0	809024000
		Capital	17700000	0	17700000
62	Legislative and Parliamentary Affairs Department	Revenue	40175000	0	40175000
63	Other Expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	750000	0	750000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	99715000	0	99715000
65	Narmada Development Scheme	Capital	21098700000	0	21098700000
66	Irrigation and Soil Conservation	Revenue	7203969000	0	7203969000
		Capital	13365566000	0	13365566000
67	Water Supply	Revenue	4215000000	0	4215000000
		Capital	8650000000	0	8650000000
68	Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Capital	16000000	0	16000000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	86365000	0	86365000
70	Community Development	Revenue	7846927000	0	7846927000
71	Rural Housing and Rural Development	Revenue	8191647000	1686000000	9877647000
72	Compensation and Assignments	Revenue	914219000	0	914219000
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	3449045000	0	3449045000
		Capital	120320000	0	120320000

Demand No. Voted/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
			Rs.	Rs.	Rs.
74	Transport	Revenue	6342475000	0	6342475000
		Capital	2740000000	0	2740000000
75	Other Expenditure pertaining to Ports and Transport Department	Revenue	589410000	0	589410000
		Capital	1000130000	0	1000130000
76	Revenue Department	Revenue	211323000	0	211323000
77	Tax Collection Charges (Revenue Department)	Revenue	1951120000	0	1951120000
78	District Administration	Revenue	1650704000	0	1650704000
79	Relief on account of Natural Calamities	Revenue	6020302000	0	6020302000
		Capital	2560000000	0	2560000000
80	Dangs District	Revenue	282051000	0	282051000
81	Compensation and Assignments	Revenue	406620000	702000	407322000
		Capital	1100000	200000	1300000
82	Other Expenditure pertaining to Revenue Department	Revenue	14673000	0	14673000
		Capital	7136000	0	7136000
83	Roads and Buildings Department	Revenue	103500000	0	103500000
84	Non-Residential Buildings	Revenue	4103406000	3340000	4106746000
		Capital	6139602000	0	6139602000
85	Residential Buildings	Revenue	1205890000	0	1205890000
		Capital	315797000	0	315797000
86	Roads and Bridges	Revenue	17545174000	0	17545174000
		Capital	13117800000	0	13117800000
87	Gujarat Capital Construction Scheme	Revenue	100043000	0	100043000
		Capital	969500000	0	969500000
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue	112200000	0	112200000
		Capital	71000000	0	71000000
89	Science and Technology Department	Revenue	573612000	0	573612000
90	Other Expenditure pertaining to Science and Technology Department	Revenue	1332000000	0	1332000000
		Capital	168216000	0	168216000
91	Social Justice and Empowerment Department	Revenue	35839000	0	35839000
92	Social Security and Welfare	Revenue	5463660000	12500000	5476160000
		Capital	125940000	0	125940000
93	Welfare of Scheduled Tribes	Revenue	1039319000	0	1039319000
		Capital	92614000	0	92614000
94	Other Expenditure pertaining to Social Justice and Empowerment Department	Capital	2100000	0	2100000
95	Scheduled Castes Sub-Plan	Revenue	13067180000	0	13067180000
		Capital	1508519000	0	1508519000

Demand No. Voted/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
			Rs.	Rs.	Rs.
96	Tribal Area Sub-Plan	Revenue	27955211000	0	27955211000
		Capital	15609981000	0	15609981000
97	Sports, Youth and Cultural Activities Department	Revenue	49735000	0	49735000
98	Youth Services and Cultural Activities	Revenue	2084724000	0	2084724000
99	Other Expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	1106000	0	1106000
100	Urban Development and Urban Housing Department	Revenue	36517000	0	36517000
101	Urban Housing	Revenue	858000	780520000	781378000
102	Urban Development	Revenue	47355478000	0	47355478000
		Capital	300000000	0	300000000
103	Compensation, Assignment and Tax Collection Charges	Revenue	1182000000	300000000	1482000000
104	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue	9562000	0	9562000
		Capital	2010000	0	2010000
105	Women and Child Development Department	Revenue	17046000	0	17046000
106	Other Expenditure pertaining to Women and Child Development Department	Revenue	7153622000	5500000	7159122000
		Capital	1100906000	0	1100906000
107	Climate Change Department	Revenue	20000000	0	20000000
108	Other Expenditure pertaining to Climate Change Department	Revenue	996400000	0	996400000
	Total:	Revenue	446499289000	99722780000	546222069000
		Capital	111048273000	38375915000	149424188000
	Grand Total:		557547562000	138098695000	695646257000

STATEMENT OF OBJECTS AND REASONS

Article 204(1) of the Constitution of India requires that as soon as may be after the grants have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State, of all moneys required to meet-

- (a) the grants so made by the Assembly, and
- (b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the Statement previously laid before the Legislative Assembly.

The Bill accordingly specifies the gross amount required to meet grants made by the Assembly and the expenditure charged on the Consolidated Fund of the State for the financial year ending on the 31st March, 2011.

The amounts are shown below: -		Rs.
(a)	Revenue Expenditure	5,46,22,20,69,000
(b)	Capital Expenditure	1,49,42,41,88,000
Total :-		<u>6,95,64,62,57,000</u>

Gandhinagar,
Dated the 26th March, 2010.

VAJUBHAI VALA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 26th March, 2010.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 29th March, 2010 by Shri Arjunbhai Modhawadia M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

Gujarat Bill No.16 OF 2010.

THE GUJARAT STATE VIGILANCE COMMISSION BILL, 2010.

A BILL

to provide for the constitution of the Gujarat State Vigilance Commission to inquire or cause inquiries to be conducted into offences alleged to have been committed under the Prevention of Corruption Act, 1988, by certain categories of public servants of the State Government, corporations, established by or under any State Act, Government companies, societies, local authorities, owned or controlled by the State Government and for the matters connected therewith or incidental thereto.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows :-

CHAPTER I Preliminary

1. (1) This Act may be called the Gujarat State Vigilance Commission Act, 2010.

Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Commission" means the Gujarat State Vigilance Commission, constituted under sub-section (1) of section 3;

- (b) "Government company" shall have the same meaning as assigned to it in the Companies Act, 1956 ;
- (c) "prescribed" means prescribed by rules made under this Act ;
- (d) "State Government" means the Government of the State of Gujarat;
- (e) "State Chief Vigilance Commissioner" means the State Chief Vigilance Commissioner, appointed under sub-section (1) of section 4;
- (f) "Vigilance Commissioner" means a Vigilance Commissioner, appointed under sub-Section (1) of section 4; and
- (g) "Vigilance and Police Establishment" means the Vigilance Bureau or the Police, entrusted with the inquiry and investigation of an offence under the Prevention of Corruption Act, 1988 or an offence with which a public servant may, under the Code of Criminal Procedure, - 1973, be charged at the same trial.

CHAPTER II

The Gujarat State Vigilance Commission

Constitution of the
Commission.

3. (1) There shall be constituted a body to be known as the Gujarat State Vigilance Commission to exercise the powers conferred upon, and to perform the functions assigned to it under this Act.

(2) The Commission shall consist of—

- (a) the State Chief Vigilance Commissioner; and " Chairperson
- (b) not more than two Vigilance Commissioners. " Members

(3) The State Chief Vigilance Commissioner shall be appointed from amongst the persons, who have been or are in an All India Service or in any Civil Service of the Union or; State or in a Civil post under the Union or State having knowledge and experience in matters relating to vigilance, policy making and administration including police administration and in the rank and scale of Secretary to Government of India or the Chief Secretary of the State or who have been a Judge of the High Court.

(4) The Vigilance Commissioners shall be appointed from amongst the persons, who have been or are in an All India Service or in any Civil Service of the Union or State or in a civil post under the Union or State or a Government Company under or controlled by the Central Government or the State Government, and who have expertise and experience in finance including insurance and-banking, law, vigilance and investigations in the rank and pay scale of the Additional Secretary to Government of India or the Secretary of the State.

(5) The State Government shall appoint a Secretary to the Commission on such terms and conditions, as it deems fit to exercise such powers and discharge such duties, as the Commission may by regulations specify in this behalf;

(6) The headquarters of the Commission shall be at Gandhinagar.

Appointment of the
State Chief Vigilance
Commissioner and
the Vigilance
Commissioners.

4, (1) The State Chief Vigilance Commissioner and the Vigilance Commissioners shall be appointed by the Governor by warrant under his hand and seal:

Provided that every appointment under this sub-section shall be made on the recommendation of a Committee consisting of-

- (a) the Chief Minister, Gujarat : Chairman
- (b) the Speaker
of the Gujarat Vidhan Sabha; and : Member
- (c) the leader of the opposition : Member
of Gujarat Vidhansabha
- (d) the Chief Secretary to : Member
Government of Gujarat

(2) No appointment of the State Chief Vigilance Commissioner or a Vigilance Commissioner shall be invalid merely by reason of any vacancy in or any defect in the constitution of the Committee.

5. (1) Subject to the provisions of sub-sections (3) and (4), the State Chief Vigilance Commissioner shall hold office for a term of six years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier. The State Chief Vigilance Commissioner, on ceasing to hold the office, shall be ineligible for reappointment in the Commission.

Terms and other
conditions of service of
the State Chief
Vigilance
Commissioner and
Vigilance
Commissioners.

(2) Subject to the provisions of sub-sections (3) and (4), every Vigilance Commissioner shall hold office for a term of six years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier.

(3) The State Chief Vigilance Commissioner or a Vigilance Commissioner shall, before he enters upon his office, make and subscribe before the Governor, or some other person-appointed in that behalf by him, an oath or affirmation in the Form, appended to this Act.

(4) The State Chief Vigilance Commissioner or a Vigilance Commissioner may, by writing under his hand, addressed to the Governor, resign his office.

(5) The State Chief Vigilance Commissioner or a Vigilance Commissioner may be removed from his office in the manner provided in section 6.

(6) On ceasing to hold office, the State Chief Vigilance Commissioner and every other Vigilance Commissioner shall be ineligible for—

- (a) any assignment or appointment, which is required by law to be made by the Governor by warrant under his hand and seal; and
- (b) further employment to any office of profit under the State Government.

(7) The salary and allowances payable to and the other conditions of service of—

- (a) the State Chief Vigilance Commissioner shall be the same as those of the Secretary to Government of India or the Chief Secretary of the State or a Judge of the High Court, as the case may be ; and
- (b) the Vigilance Commissioner shall be the same as those of the Additional Secretary to Government of India or the Secretary of the State, as the case may be:

Provided that if the State Chief Vigilance Commissioner or any Vigilance Commissioner is, at the time of his appointment, in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or under the State Government, his salary in respect of the service as the State Chief Vigilance Commissioner or any Vigilance Commissioner, as the case may be, Shall be reduced by the amount of that pension including any portion of pension, which was commuted and pension equivalent to other forms of retiral benefits, excluding pension equivalent to retirement gratuity :

Provided further that if the State Chief Vigilance Commissioner or any Vigilance Commissioner is, at the time of his appointment, in receipt of retiral benefits in respect of any previous service rendered in a corporation, established by or under any State Act or a Government company, owned or controlled by the State Government, his salary in respect of the service as the State Chief Vigilance Commissioner or, as the case may be, the Vigilance Commissioner, shall be reduced by the amount of pension equivalent to the retiral benefits :

Provided further that the salary, allowances and pension payable to and the other conditions of service of the State Chief Vigilance Commissioner or any Vigilance Commissioner shall not be varied to his disadvantage after his appointment.

Removal of the State
Chief Vigilance
Commissioner and the
Vigilance
Commissioners.

6. (1) Subject to the provisions of sub-section (3), the State Chief Vigilance Commissioner or any Vigilance Commissioner shall be removed from his office only by order of the Governor on the ground of proven misbehaviour or incapacity after the High Court, on a reference made to it by the Governor, has, on inquiry, reported that the State Chief Vigilance Commissioner or any Vigilance Commissioner, as the case may be, ought on such ground be removed.

(2) The Governor may suspend from office and if, deemed necessary, prohibit also from attending the office during inquiry the State Chief Vigilance Commissioner or any Vigilance Commissioner, as the case may be, in respect of whom a reference has been made to the High Court under sub-section (1) until the Governor has passed orders on receipt, of the report of the High Court on-such-reference.

(3) Notwithstanding anything contained in sub-section (1), the Governor may, by order, remove from office of the State Chief Vigilance Commissioner or any Vigilance Commissioner, if the State Chief Vigilance Commissioner or such Vigilance Commissioner, as the case may be,—

- (a) is adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
- (c) engages during his term of office in any paid employment outside the duties of his office; or
- (d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or
- (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as a State Chief Vigilance Commissioner or a Vigilance Commissioner.

(4) If the State Chief Vigilance Commissioner or any Vigilance Commissioner is or becomes in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of India or Government of the State participates in any way in the profit thereof or is in any benefit or emolument arising therefrom otherwise than as a member and is in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.

Government of
the State

7. The State Government may in consultation with the Commission, make rules with respect to the number of members of the staff of the Commission and their conditions of service.

Power to
make rules for
the staff

CHAPTER III

Powers and functions of the State Vigilance Commission

8. (1) The powers and functions of the Commission shall be to—

(a) exercise superintendence and control over the functioning of the Vigilance and Police Establishment in so far as it relates to investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988 or offences with which a public servant Specified in sub-section (2) may, under the Code of Criminal Procedure, 1973, be charged at the same trial:

Powers and
functions of the
State Vigilance
Commission.

Provided that While exercising the powers of superintendence, the Commission shall not exercise powers in such a manner so as to require the Vigilance Bureau to investigate or dispose of any case in a particular manner;

(b) give directions to the Vigilance and Police Establishment for the purpose of discharging the responsibilities entrusted to it

with reference to offences alleged to have been committed under the Prevention of corruption Act; 1988 or offences with which a public servant may, under the Code of Criminal Procedure, 1973, be charged at the Same trial :

Provided that while exercising the powers of giving directions, the Commission shall not exercise powers in such a manner so as to require the Vigilance Bureau to investigate or dispose of any case in a particular manner;

- (c) inquire or Cause an inquiry or investigation to be made on a reference made by the State Government, wherein it is alleged that a public servant being an employee of the State Government or a corporation, established by or under any State Act, government company, society and any local authority, owned or controlled by the State Government, has committed an offence under the Prevention of Corruption Act, 1988 or an offence with Which a public servant may, under the Code of Criminal Procedure, 1973, be charged at the same trial;
- (d) inquire or cause an inquiry or investigation to be made into any complaint against any official belonging to such, category of officials specified in sub-section (2) wherein, it is alleged that he has committed an offence under the Prevention of Corruption Act, 1988 or an offence with which a public servant; specified in sub-section (2) may, under the Code of Criminal Procedure, 1973, be charged at the same trial;
- (e) review the progress of investigations conducted by the Vigilance and Police Establishment into offences alleged to have been, committed under the Prevention of Corruption Act, 1988 or offence with which a public servant may, under the Code of Criminal Procedure 1973, be charged at the same trial;
- (f) review the progress of applications pending with the competent authorities for sanction of prosecution Under the Prevention of Corruption Act, 1988; or
- (g) tender advice to the State Government, corporations, established by or under any State Act, Government companies, societies and local authorities, owned or controlled by the Central Government; on vigilance cases related to the officers under its purview, and on such other matters, as may be referred to it by that Government, said Government companies, societies and local authorities, owned or controlled by the State Government; and
- (h) exercise superintendence over the Vigilance Administration of the various departments of the State Government or corporations, established by or under any State Act, Government companies, societies and local authorities; owned or controlled by that Government:

Provided that while exercising its powers to exercise superintendence over the Vigilance Administration, the Commission shall give due consideration to the instructions issued by the Central Vigilance Commission, established under the Central Vigilance Commission Act, 2003 (Central Act No. 45 of 2003).

(2) The persons referred to in clause (d) of sub-section (1), are as follows:—

- (a) members of All India Services serving in connection with the affairs of the State and Group 'A' officers of the State Government;
- (b) such other level of officers holding civil posts under the State Government, as that Government may, by notification in the Official Gazette, specify in this behalf; and
- (c) such level of officers of the corporations, established by or under any State Act, Government companies, societies and other local authorities, owned or controlled by the State Government, as that Government may, by notification in the Official Gazette, specify in this behalf:

Provided that till such time a notification is issued under sub-clauses (b) and (c), all officers of the State Government, and the said corporations, companies, societies and local authorities shall be deemed to be the persons referred to in clause (d) of sub-section (1)

Report of any inquiry made on reference by Commission to be forwarded to the Commission.

9. (1) The report of any inquiry undertaken by any agency on a reference made by the Commission shall be forwarded to the Commission.

(2) The Commission shall, on receipt of such report and after taking into consideration any other factors relevant thereto, advise the State of Government and corporations, established by or under any State Act, Government companies, societies and local authorities, owned or controlled by that Government, as the case may be, as to the further course of action.

(3) The State Government and the corporations, established by or under any State Act, Government companies, societies and other local authorities, owned or controlled by that Government, as the case may be, shall consider the advice of the Commission and take appropriate action :

Provided that where the State Government, any corporation, established by or under any State Act, Government company, society or local authority, owned or controlled by the State Government, as the case may be, does not agree with the advice of the Commission, it shall, for the reasons to be recorded in writing, communicate the same to the Commission.

Proceedings of
the Commission

10. (1) The proceedings of the Commission shall be conducted at its headquarters.

(2) The Commission shall regulate the procedure for the transaction of its business and the allocation of business amongst the State Chief Vigilance Commissioner and other Vigilance Commissioners by such regulations, as may be made by it under this Act.

(3) Save as provided in sub-section (2), all business of the Commission, shall, as far as possible, be transacted unanimously.

(4) Subject to the provisions of sub-section (3), if the State Chief Vigilance Commissioner and other Vigilance Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority.

(5) The State Chief Vigilance Commissioner, or, if for any reason, he is unable to attend any meeting of the Commission, the senior-most Vigilance Commissioner present at the meeting, shall preside over the meeting.

(6) No act or proceeding of the Commission shall be invalid merely by reason of—

- (a) any vacancy in, or any defect in the constitution of the Commission; or
- (b) any defect in the appointment of a person acting as the State Chief Vigilance Commissioner or as a Vigilance Commissioner;
- or
- (c) any irregularity in the procedure of the Commission not affecting the merits of the case.

11. (1) In the event of the occurrence of any vacancy in the office of the State Chief Vigilance Commissioner by reason of his death, resignation or otherwise, the Governor may, by notification, authorise one of the Vigilance Commissioners to act as the State Chief Vigilance Commissioner, until the appointment of a new State Chief Vigilance Commissioner to fill such vacancy, is made.

Vigilance
Commissioner to
as a State Chief
Vigilance
Commissioner in
certain
circumstances.

(2). When the State Chief Vigilance Commissioner is unable to discharge his functions owing to absence on leave or otherwise, such one of the Vigilance Commissioners, as the Governor may, by notification, authorise in this behalf, shall discharge the functions of the State Chief Vigilance Commissioner until the date on which the State Chief Vigilance Commissioner resumes his duties.

12. The Commission shall while conducting any inquiry referred to in clauses (c) and (d) of sub-section (1) of section 8, have all the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 and in particular, in respect of the following matters, namely :-

Powers relating to
inquiries.

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath ;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office
- (e) issuing commissions for the examination of witnesses or other documents; and
- (f) any other matter which may be prescribed

13. All proceedings before the Commission shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code, 1860, and the Commission shall be deemed to be a "Civil Court" for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

CHAPTER IV

Expenses and Annual Report

Expenses of the Commission to be charged on the Consolidated Fund of the State.

14. The expenses of the Commission, including any salaries, allowances and pensions payable to or in respect of the State Chief Vigilance Commissioner, the Vigilance Commissioners, Secretary and the staff of the Commission, shall be charged on the Consolidated Fund of the State.

Annual Report

15. (1) It shall be the duty of the Commission to present annually to the Governor a report as to the work done by the Commission within six months of the close of the year under report.

(2) The report referred to in sub-section (1), shall contain a separate part on the functioning of the Vigilance and Police Establishment insofar as it relates to the action with reference to the alleged offences under the Prevention of Corruption Act, 1988, or offences with which a public servant may, under the Code of Criminal Procedure, 1973, be charged at the same trial.

(3) On receipt of such report the Governor shall cause the same to be laid before the House of the State Legislature.

(4) A copy of the report submitted to the Governor shall also be submitted to the Commission.

CHAPTER V

Miscellaneous

Protection of actions taken in good faith.

16. No suit, prosecution or other legal proceeding shall lie against the Commission, the State Chief Vigilance Commissioner, any Vigilance Commissioner, the Secretary or against any staff of the Commission in respect of anything, which is in good faith done or intended to be done under this Act.

State Chief Vigilance Commissioner, Vigilance Commissioners and staff to be public servants.

17. The State Chief Vigilance Commissioner, every Vigilance Commissioner, the Secretary and every staff of the Commission, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Power to call for information.

18. The Commission may call for reports, returns and statements from the State Government or corporations, established by or under any State Act. Government companies, societies and other local authorities, owned or controlled by that Government so as to enable it to exercise general supervision over the vigilance and anti-corruption work in that Government and in the said corporations Government companies, societies and local authorities.

19. (1) The State Government in making any rules or regulations governing the vigilance or disciplinary matters relating to persons, appointed to public services and posts in connection with the affairs of the State, shall consult the Commission.

Consultation with the Commission in certain matters.

(2) The State Government shall while taking a decision with reference to its powers under section 25 or with regard to the action to be taken against a public servant with reference to vigilance matters, shall consult the Commission.

20. (1) The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the provisions of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the number of members of the staff and their conditions of service under section 7;
- (b) any other matter required under clause (f) of section 12 ; and
- (c) any other matter which is required to be, or may be prescribed.

21. (1) The Commission may, with the previous approval of the State Government, by notification in the Official Gazette, make regulations not inconsistent with this Act and the rules made thereunder to provide for all matters for which provision is expedient for the purposes of giving effect to the provisions of this Act.

Power to make regulations.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :-

- (a) the duties and the powers of the Secretary under sub-section (4) of section 3; and
- (b) the procedure to be followed by the Commission under sub-section (2) of Section 10.

22. Every notification issued under clause (b) of sub-section (2) of section 8, and every rule made by the State Government, and every regulation made by the Commission under this Act, shall be laid, as soon as may be, after it is issued or made, before the House of the State Legislature, while it is in session, for a total period of ten days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the notification or the rule or regulation, or the House agrees that the notification or the rule or regulation, as the case may be, should not be made, the notification or the rule or regulation shall thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the Validity of anything previously done under that notification or rule or regulation.

Notification rule ect. to be laid before the Legislative Assembly

Power to remove difficulties.

23. (1) If any difficulty, arises in giving effect to the provisions of this Act, the State Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no order shall be made under this section after the expiry of a period of two years from the date of commencement of this Act.

Appointments etc.
of officers of
Directorate of
Vigilance

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before; the House of the State Legislature.

24. Notwithstanding anything contained in any other law for the time being in force,-

(a) the State Government shall appoint the Chief Director of Vigilance for the State on the recommendation of the Committee consisting of

(i) the Chief Minister, Gujarat; Chairperson

(ii) the State Chief Vigilance Commissioner; and Member

(iii) the leader of opposition of Gujarat Vidhansabha Member

(iv) the Chief Secretary to Government of Gujarat; Member

(b) while making a recommendation, the Committee shall take into consideration the integrity, conduct and experience of the officers eligible for appointment ;

(c) no person below the rank and scale of Director General of Police or Additional Director General of Police of the State shall be appointed as a Chief Director of Vigilance

(d) the Chief Director of Vigilance shall not be transferred before he has rendered Service as such for a minimum period of two years :

Provided that the Chief Director of Vigilance may be transferred before two years with the previous consent of the Committee referred to in clause (a);

(e) officers of the rank of Deputy Superintendent of Police and above, shall be appointed in the Vigilance Bureau on the recommendation of a Committee comprising of,—

(i) the State Chief Vigilance Commissioner; Chairperson

(ii) the Chief Secretary to Government of Gujarat; and Member

(iii) the leader of opposition of Gujarat Vidhansabha Member

(iv) the Chief Director, Vigilance Bureau; Member

(f) on receipt of the recommendation made under clauses (a) and (e), the State Government shall pass such orders, as it thinks fit to give effect to the said recommendations.

25. (1) Notwithstanding anything contained in any other law for the time being in force, the Vigilance and Police Establishment shall not conduct any inquiry or investigation into any offence alleged to have been committed under the Prevention of Corruption Act, 1988, or an offence with which a public servant may, under the Code of Criminal Procedure, 1973, be charged at the same trial, except with the prior approval of the State Government where the allegation relates to,

Approval of the
State
Government to
conduct inquiry
or investigation.

- (a) Group 'A' officers of the State Government; and
- (b) such officers, as are appointed by the State Government in corporations, established by or under any State Act, Government companies, societies and local authorities, owned or controlled by that Government.

(2) Notwithstanding anything contained in sub-section (1), no such approval shall be necessary for the cases involving arrest of a person on the spot on the charge of accepting or attempting to accept any gratification other than the legal remuneration referred to in clause (c) of the Explanation to section 7 of the Prevention of Corruption Act, 1988.

FORM

[See section 5(3)]

**Form of oath or affirmation to be made by the State Chief Vigilance
Commissioner or Vigilance Commissioner**

"I, _____, having been appointed the State Chief Vigilance Commissioner or Vigilance Commissioner of the Gujarat State Vigilance Commission, do Swear in the name of God that I will bear true faith and solemnly affirm

allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws."

STATEMENT OF OBJECTS AND REASONS

While there is a Central Vigilance Commission established under the Central Vigilance Commission Act, 2003 to inquire or cause to be inquired into offences alleged to have been committed under the Prevention of Corruption Act, 1988 by the public servants of the Central Government, there is no such act in the State of Gujarat. The corruption among public servants has become a serious problem, which has adversely affected the public service delivery system and the same is required to be tackled more effectively. However, the State Government has already constituted the Gujarat State Vigilance Commission under the government resolution. In the absence of specific legislation, the present State Vigilance Commission is lacking statutory recognition. At the centre and in some other states, there are legislations for the efficient functioning of their Vigilance Commissions.

Therefore, In order to confer statutory status to the existing commission and to regulate its affairs in an efficient and transparent manner, It is, necessary to bring legislation for the State of Gujarat. The object of bringing legislation for the State Vigilance Commission is to set up an independent statutory body to exercise superintendence and control over the functioning of Vigilance and Police establishment in respect of investigation of offences under the Prevention of Corruption Act, 1988 more effectively.

Dated : 10th March, 2010.
Gandhinagar.

ARJUNBHAI MODHWADIA
M.L.A.

FINANCIAL MEMORANDUM

The State Government proposes to constitute State Vigilance Commission on the pattern of Central Vigilance Commission. To achieve this object, Under the proposed law, there shall be one State Chief Vigilance Commissioner and two Vigilance Commissioners and other establishment to assist the State Vigilance Commission. As per tentative estimates, this will involve non-recurring expenditure of Rs. 50 Lacs (Rupees Fifty Lacs only) and recurring annual expenditure of Rs. Fifty Lacs from the consolidated fund of the state.

Dated : 10th March, 2010
Gandhinagar.

ARJUNBHAI MODHWADIA
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clauses (2) and (5) of clause 3 empowers the State Govt. of appoint Chief Commissioner, Commissioners and Secretary respectively.

Clause 7 of the Bill empowers the State Govt. to make rules with respect to the number of members of the Staff and their service condition.

Clause 8 of the Bill empowers the State Govt. to specify level of officers of the Commission.

Clause 20 of the Bill empowers the State Govt. to make rules for carrying out the purposes of this Act.

Clause 24 empowers the State Govt. to appoint Director and Officers of the Directorate of Vigilance.

Dated :10th March, 2010
Gandhinagar.

ARJUNBHAI MODHWADIA
M.L.A.

Gandhinagar.
Dated the 29th March, 2010.

D.M.PATEL
Secretary,
Gujarat Legislative Assembly.



सत्यमेव जयते

The Gujarat Government Gazette

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation

PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 29th March, 2010 by Prof. Vasuben Trivedi M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL No. 17 OF 2010.

THE GUJARAT SOCIAL SECURITY BILL, 2010

A BILL

to provide for the establishment of the Gujarat Social Security Fund with a view to render assistance in the form of pension to senior citizens, widows and destitute women, dependent children, disabled persons and to provide other similar social security measures and for the matter connected therewith.

It is hereby enacted in the Sixty one Year of the Republic of India as follows:—

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. (1) This Act may be called the Gujarat Social Security Act, 2010. (2) It shall come into force at once. | Short title
and
Commencement |
| <ol style="list-style-type: none"> 2. (1) In this Act, unless the context otherwise requires,— <ol style="list-style-type: none"> (a) "collecting authority" means the authority as specified in sub-section (1) of section 6; (b) "fund" means the Gujarat Social Security Fund Constituted under section 4; (c) "Government" means the Government of the State of Gujarat; (d) "prescribed" means prescribed by rules made under this Act; (e) "scheduled bank" means a bank included in the Second schedule to the Reserve Bank of India Act, 1934; (f) "section" means the section of this Act; and | Definitions |

2nd of 1934.

(g) "social security measure" means pension for old persons financial assistance to widows and destitute women, dependent children and disabled persons.

- (2) The words and expressions used in this Act, but not defined shall have the same meaning as assigned to them in the Gujarat Value Added Act, 2003. **Guj. 1st of 2005**

Levy of Cess. 3. Notwithstanding anything contained in any other law for the time being in force and subject to the rules made under this Act, there shall be levied for the purposes of this Act, a cess on ad-valorem basis at the rate of ten percent on all the sales and purchases, of goods made under the Gujarat Value Added Tax Act, 2003 effected after coming into force of this Act except the goods declared to be of special importance in Inter State trade or commerce under section 14 of the Central Sales Tax Act, 1956. **74 of 1956**

Constitution of Fund. 4. (1) There shall be constituted a Fund to be called the Gujarat Social security Fund, in the manner as may be prescribed.

(2) The Fund shall vest with the Government.

Purpose for which the Fund may be utilized. 5. (1) The Fund shall be utilized for the purposes as may be prescribed.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Fund shall be applied for the following purposes, namely:-

- (a) old age pension scheme;
- (b) financial assistance to the widows and destitute women
- (c) financial assistance to the dependent children;
- (d) financial assistance to the disabled persons; and
- (e) any other social security measures incidental to the above purposes as approved by the Government:

Provided that the Fund shall be utilized in order for the purposes specified in clause (a) to (e).

Manner collection of cess. 6. (1) The authorities empowered to assess, re-assess or collect tax under the Gujarat Value Added Tax Act, 2003 shall assess, re-assess or collect the cess levied under this Act from a dealer registered under the Gujarat Value Added Act, 2003. **Guj. 1st of 2005**

(2) The cess levied under sub-section (1), shall be collected in such manner, as may be prescribed.

(3) The authorities referred to in sub-section (1), shall deposit the proceeds of cess collected from a dealer either in cash or by cheque in a specified account to be opened in a Scheduled Bank and operated by the Government.

Procedure of maintenance of accounts and submission of returns. 7. The Procedure of maintenance of accounts and submission of returns of cess levied under this Act, shall be the same as has been prescribed in the Gujarat Value Added Tax Rules, 2006.

8. (1) The Proceeds of cess collected under sub-section (1) of section 6, shall be deposited in the Fund within such period from the date of collection of such cess, as may be prescribed.

(2) The Government shall open account in any of the Scheduled Banks for managing and carrying out the transactions with respect to the Fund. **Procedure for deposit of fund and meeting obligation.**

(3) The Government may,-

(i) After meeting their obligation as specified in sub-section (2) of section 5, invest the surplus Fund including the Government securities in such manner, as it may deem fit;

(ii) constitute one or more advisory committees or engage suitable advisors to advise the Government for the efficient utilisation of the Fund;

(iii) enter into and perform all such agreements, as it may think necessary or expedient for performing any of its functions; and

(iv) perform such other acts, as it may think necessary or expedient for the proper conduct of its functions and for carrying into effect the purposes of the Act.

9. The Government may borrow and raise money in such manners as it thinks fit and secure the repayment of any money borrowed or raised, by mortgage, charge, standard security, lien or other security upon the whole or any part of Government assets (whether present or future), and also by a similar mortgage, charge, standard security, lien or security, guarantee for the performance of any obligation or liability, it may undertake or which may become binding on it. **Power of the Government to borrow and raise money.**

10. The accounts of the Fund shall be audited by the Local Fund Examiner, Gujarat. **Audit.**

11. No suit, prosecution or other legal proceeding shall lie against the Government or any other officer of the Government in respect of anything, which is done in good faith or intended to be done in pursuance of the provisions of the Act, rules made or any order issued thereunder. **Protection of action taken in good faith**

12. (1) The Government may, by notification, make rules for carrying out the purpose of this Act. **Power to make rules.**

(2) Without prejudice to the generality of the foregoing power, such rules may provide for,-

(a) constitution, powers, functions, objectives for utilisation of the fund under section, 4 and 5;

(b) the manner of collection of cess as provided in section 6;

(c) the period within which the amount is to be transferred to the fund under sub-section (1) of section 8; and

(d) any other matter which has to be or may be prescribed.

(3) Every rule made under this section, shall be laid as soon as may be, after it is made, before the State Legislature while it is in session for a total period of Thirty days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which, it is laid or of the successive sessions as aforesaid, the house agrees in making any modification in the rules or the house agrees that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

13. If any difficulty arises in giving effect to the Provisions of this Act, the Government may, by order, make such provisions including any adaptation or modification of any provision of this Act, as appears to the Government to be necessary or expedient for the purpose of removing the difficulty: **Power to remove difficulties.**

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of the Act.

STATEMENT OF OBJECTS AND REASONS

Social Security should be a priority programme for the State and it should be determined to cater to the requirements of the aged, infirms, destitutes, widows, disabled and needy persons of the Society. The Government should grant old age pension, widow pension financial assistance to dependent children and disabled persons. But it is possible that the Government may experience financial problems in providing timely release of pension and other financial assistance to the beneficiaries which involved financial liability of about 100 crores. As such to ensure timely release of pension and other financial assistances to the beneficiaries, it is necessary to levy Social Security Cess and establish Social Security Fund. The objective and purpose of the Social Security Fund include the provision of pensions to the old age persons, financial assistance to dependent children, widows, destitute and disabled persons in the State.

Heance, this Bill

Gandhinagar.

Dated 16th March, 2010

Prof. VASUBEN TRIVEDI

M.L.A.

FINANCIAL MEMORANDUM

A cess, on advalorem basis on all sales and purchases of the goods except declared to be of special importance in inter-state trade or commerce by Section 14 of the Central Sales Tax Act, 1956, shall be levied. The cess shall be levied at the rate of 10% of the rate of sale/purchase tax applicable under the Gujarat value Added Tax Act, 2003 from time to time. This will be deposited in a fund to be called Social Security Fund which shall vest with the Government and it shall be utilized for the social security measures like old age pensions and other financial assistance schemes of the department. This will involve a financial liability of about Rs. 100 carores per annum.

The commercial tax authorities will assess, re-assess collect and enforce, payment of Social Security Cess under the Gujarat Value Added Tax Act, 2003. The Cess will be deposited in the Gujarat Social Security Fund which shall be utilized to grant pensions.

Gandhinagar.

Dated 16th March, 2010

Prof. VASUBEN TRIVEDI

M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of of the Bill empowers the State Government to prescribe the manner for constituting the Gujarat Social Security Fund.

Sub-clause (1) of clause 5 of the Bill empowers the State Government to prescribe the purposes for application of the Fund.

Sub-clause (2) of clause 6 empowers the State Government to prescribe the manner for collecting the cess levied under the Act.

Sub-clause (I) of clause 8 empowers the state Government to prescribe the period within which the proceeds of the cess collected under the Act shall be deposited in the Fund.

Clause 12 of the Bill empowers the State Government to make rules for carrying out the purposes of the Bill. The powers sought to be delegated are necessary for the proper implementation of the provisions of the Bill and are normal in nature.

Gandhinagar.

Dated 16th March, 2010

Prof. VASUBEN TRIVEDI

M.L.A.

Gandhinagar.

Dated the 29th March, 2010

D. M. PATEL

Secretary,

Gujarat Legislative Assembly



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EXTRAORDINARY

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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 29th March, 2010 by Shri Bhupendrabhai Lakhawala M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO.18 OF 2010.

THE GUJARAT PROHIBITION ON ADVERTISEMENTS BY DRAWING PHOTOGRAPHS AND POSTERS ON PUBLIC WALLS BILL, 2010

A BILL

to provide for the prohibition of advertisements by drawing photographs and posters on the public walls by certain elements for maintaining the beauty in the whole of State of Gujarat.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows :-

- | | | | |
|------------|----|---|---|
| | 1. | (1) This Act may be called the Gujarat Prohibition on advertisements by drawing, photographs and posters on public walls Act, 2010. | Short title, extent and commencement. |
| | | (2) It extends the whole of the State of Gujarat. | |
| | | (3) It shall come into force at once. | |
| 45 of 1860 | 2. | In this Act, unless the context otherwise requires, the word "obscene" shall have the meaning assigned to it in the Indian Penal Code. | Definition |
| | 3. | No person shall disturb the beauty in a village, town or city by way of obscene advertisements on public walls by drawing posters of photographs, whatsoever. | Prohibition on advertisements by drawing photographs and posters. |
| | 4. | Any action in contravention of the provisions contained in section 3, shall constitute a cognizable offence. | Offence |

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GUJARAT GOVERNMENT GAZETTE, Ex. 29-03-2010

[PART V

Punishment 5. Any person found guilty of the offence under section 3 shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

Rules 6. The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

GANDHINAGAR,

Dated the 15th March, 2010.

BHUPENDRABHAI LAKHAWALA

- M.L.A.

STATEMENT OF OBJECTS AND REASONS

Of late, the advertisements on public walls in a village, town or a city by way of drawing photographs and posters are being resorted to on a wide scale. This creates and unhealthy atmosphere for the society in general and particularly for the younger generation. This is totally against the moral concept of public opinion.

It is therefore high time now that steps should be taken through legislation to prevent this immoral practice, as existing Laws of Rules thereunder are found inadequate and ineffective.

This Bill seeks to achieve the above objects.

GANDHINAGAR,
Dated the 15th March, 2010.

BHUPENDRABHAI LAKHAWALA
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the State Government to make rules for carrying out the purpose of this Act.

The proposed delegation of legislative power is necessary and is of normal character.

GANDHINAGAR,
Dated the 15th March, 2010

BHUPENDRABHAI LAKHAWALA
M.L.A.

Gandhinagar,
Dated the 29th March, 2010.

D.M. PATEL,
Secretary,
Gujarat Legislative Assembly.



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 29th March, 2010 by Shri Govindbhai Patel M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

Gujarat Bill No.19 OF 2010.

THE GUJARAT PREVENTION OF THE PEOPLE FROM ILLEGALLY PULLING OUT WATER FROM THE GOVT. NETWORK OF WATER SUPPLY BILL, 2010.

A BILL

To prevent the people from illegally pulling out water from the network of water supply which is made by the State Govt. in the whole State for the arrangements of water distribution under the Water Supply Scheme and to enact an effective law against such people.

It is hereby enacted in the sixty first year of the Republic of India as follows :

- (1) This Act may be called the Gujarat Prevention of the people short title from illegally pulling out Water from Govt. Network of Water extent and Supply Act, 2010. commencement
- (2) It extends the whole of the State of Gujarat.
- (3) It shall come into force at once.

2. Definitions

Definitions

In this Act, unless the context otherwise requires-

- (1) 'Canal' includes -

All canals, channels constructed, maintained or controlled by Govt. for the supply of storage of water.

- (2) 'Water-course' means a channel constructed and maintained at the cost of the Govt, to supply water from an outlet.

- (3) 'Field-channel' means any channel or pipe constructed and maintained by the holder of land either by himself or jointly.
- (4) 'Outlet' means an opening which is constructed by the State Government.
- (5) 'Collector' includes any officer appointed by the State Govt. to exercise all or any of the powers of a Collector under this Act.
- (6) 'Canal officer' means any officer lawfully appointed or invested with powers.
- (7) 'Owner' includes every person having a joint interest in the ownership of the thing specified.
- (8) 'Prescribed' means prescribed by rules made under this Act.
- (9) 'The Land Acquisition Act' means the Land Acquisition Act, 1894.
- (10) 'The Land Revenue Code' means the Bombay Land Revenue Code Act, 1879.

**Appointment
of Canal
officers**

3. The State Govt. may appoint any officer with such powers and duties under this Act.

**Power to
cut-off water
supply**

4. The Canal officer after due consideration with the authority may cut-off the water supply.

**Power of
canal
officers**

5. Any Canal officer may enter on any land, remove any obstruction, close any channel for the purpose of preventing people from illegally pulling out water from the Government Network of Water Supply.

**Entry for
Enquiry And
prosecution**

6. Any Canal officer may enter upon such land as he may think necessary for the purpose and stop the people from illegally pulling out water from Govt. network of water supply and do all other things necessary for the prosecution of such inquiry.

**Liability
When Water
Runs to
waste**

7. If water supplied through a field channel be suffered to run to waste, and if, after inquiry, the person through whose act or neglect such water was suffered to run to waste was not be discovered, the person or all the persons chargeable in respect of the water supplied through such field channel shall be liable, or jointly liable as the case may be, for the charges which shall be made in respect of the water so wasted, under the rules prescribed by the State Government.

**Punishment
By Civil
Judge**

8. Any person who found guilty of illegally pulling out water from the Govt. network of water supply shall be punished by Civil Judge with simple imprisonment for a term which may be extend to six months or with fine which may extend to five thousand rupees or with both.

Appeal

9. Any person aggrieved by an order of the Civil Judge may prefer an appeal to the appellate court against such order within the prescribed time limit.

**Protection of
acts Done in
Good faith**

10. No suit, prosecution or other legal proceeding shall lie against the state govt. or any officer or servant of State Government in respect of anything done in good-faith or intended to be done in pursuance of the Act or any rules or orders made thereunder.

**Power to
Make rules**

11. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to such rescission or modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

GANDHINAGAR,
Dated the 15th March, 2010.

GOVINDBHAI PATEL,
M.L.A.

STATEMENT OF OBJECTS AND REASONS

The Government has enacted the Act, namely: The Bombay Irrigation Act, 1879 by which the Government of Gujarat has make provision for the Construction, maintenance and regulation of canals, for the supply of water there from and for the levy of rates for water so supplied, but there is no effective law to stop the people from illegally pulling out water from the network of water supply which is made by the State Government in the whole State for arrangements of water distribution under the water supply scheme and therefore it is necessary to enact effective new law.

This Bill seeks to achieve the above objects.

GANDHINAGAR,
Dated the 15th March, 2010

GOVINDBHAI PATEL,
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause-10 of the Bill empowers the State Government to make rules for carrying out the purposes of this Act.

The delegation of legislative powers as aforesaid is essential and of normal character.

GANDHINAGAR,
Dated the 15th March, 2010

GOVINDBHAI PATEL,
M.L.A.

Gandhinagar,
Dated : 29th March, 2010.

D.M.PATEL,
Secretary,
Gujarat Legislative Assembly.